

Tuesday, 28 November 2017

(10.00 am)

LADY SMITH: Good morning.

For those of you who don't know, I'm Lady Smith and I'm the chair of this inquiry. If you haven't been here before, I hope you have been able to find your way around the hearing suite and make yourselves comfortable.

There are a number of members of the Inquiry team present to provide assistance if required, so if you have any problems or questions please don't hesitate to ask them.

Today we move to phase 2 of our public hearings. We are going to be examining evidence that we have ingathered, researched and analysed relating to residential establishments for the care of children that were run by Roman Catholic Orders. We are going to start with a case study about two establishments that were run by the Daughters of Charity of St Vincent de Paul, Smyllum Park in Lanark and Bellevue House in Rutherglen. This case study will run until late January.

Before we move to hearing the evidence of witnesses, there are some important matters that I must explain. Much of the evidence in this case study will come from

1 applicants or it will be a response to what applicants
2 say. When I say "applicant", I'm talking about a person
3 who has come forward to the Inquiry and has told us
4 about being abused whilst in residential care as
5 a child. There is a very important aspect to the
6 evidence that we are going to hear from these applicants
7 and I want to explain that now.

8 I'm aware that they will often be describing things
9 that are deeply personal and that they find deeply
10 upsetting. For some, they had not shared their accounts
11 of their childhood with anyone, not even members of
12 their own family before engaging with this Inquiry. For
13 many they would find it even more upsetting and
14 distressing if their identities became known and it is
15 only fair and reasonable that I do what I can to protect
16 against that.

17 So it is that under an order issued some time ago,
18 called "General Restriction Order Direction Number 1",
19 I directed that other than in the case of some strictly
20 defined exceptions the identities of applicants must not
21 be disclosed or published without the consent of the
22 particular applicant concerned. By that I mean any type
23 of disclosure or publication, including disclosure on
24 social media.

25 During this case study where applicants have

1 expressed the wish to remain anonymous with their
2 identities protected, as they are entitled to do, those
3 wishes will be respected. Their names or any evidence
4 that could identify them must not be disclosed unless
5 the individual applicant has consented to that
6 happening.

7 These applicants will be given a pseudonym when
8 giving their evidence or when their evidence is being
9 read out from their statements, as will happen in the
10 case of some applicants. A pseudonym will also be used
11 in the transcript of their evidence so as to protect
12 their identity.

13 Under the same general restriction order, evidence
14 which in any way identifies anyone as being the subject
15 of allegations of having abused children in care must
16 not be disclosed or published prior to the publication
17 of the inquiry reports unless those persons have been
18 convicted of abusing children in care. Whilst members
19 of the public may question this decision, given that
20 this is a public inquiry, and its terms of reference
21 require me to investigate the nature and extent of abuse
22 of children in care, my task is not to make findings
23 about whether any particular individual was guilty of or
24 responsible for the abuse of children.

25 I'm not only not required to determine whether

1 a particular individual is guilty of a crime or of
2 a civil wrong; the legal rules that apply to this
3 Inquiry prevent me from doing so.

4 Also, in many cases it would not be fair to name
5 these alleged abusers nor would it be fair to their
6 families. For example, a number of them are now dead or
7 otherwise unable to answer the allegations against them.
8 So, when I say these identities must not be disclosed or
9 published, I am again referring to any type of
10 publication or disclosure, including by means of social
11 media.

12 This means that during the case study, where Sisters
13 and former Sisters of the Daughters of Charity Order who
14 are the subject of allegations of abuse give evidence,
15 they will be given a pseudonym when they give their
16 evidence to the Inquiry and cyphers and pseudonyms will
17 be used in the transcript of that evidence.

18 These considerations do not apply where there have
19 been convictions. In those cases, it has been
20 established beyond reasonable doubt in the criminal
21 courts that the individuals concerned abused children in
22 care. Their names and identities have already been made
23 public and, in the case of many of them, widely
24 broadcast. I consider that it is therefore appropriate
25 that they be named in the course of the Inquiry

1 proceedings.

2 Now, as I have said, applicants will be giving
3 evidence about abuse, about Sisters, about former
4 Sisters of the Order and about other persons connected
5 with the establishments we are going to focus on. It is
6 inevitable that at times applicants will, in the flow of
7 their evidence, disclose the names of those who are
8 alleged to have abused children at these establishments.

9 I have decided that it is not realistic to think
10 that that can be avoided. To accommodate this, whilst
11 at the same time doing all I can to protect the
12 identities of those who are the subject of allegations
13 but have not been convicted, I have decided that I will
14 permit the disclosure within this hearing room of the
15 identities of these alleged abusers. Any other course
16 of action would be bound to impair the efficient and
17 effective conduct of the hearing of the case study.

18 So the names of the those alleged to have been
19 abusers, but who have not been convicted may be
20 mentioned in the course of evidence, but these names
21 must not be disclosed or published by anyone, by any
22 means at all, to anybody else, whoever they are outside
23 the hearing room.

24 I'm going to repeat that because it is very
25 important: the names of those alleged to have been

1 abusers but who have not been convicted may be mentioned
2 in the course of evidence but these names must not be
3 disclosed or published by anyone, by any means at all,
4 to anybody else, whoever they are, outside the hearing
5 room.

6 This instruction applies to members of the press and
7 to anyone else present in the hearing room at any time.
8 Any such disclosure would be a serious breach of my
9 restriction order.

10 In the transcripts of evidence, any names of alleged
11 abusers spoken in evidence in this way will be protected
12 by the use of pseudonyms or cyphers. So the mention of
13 their names will, if it happens, only appear within the
14 hearing room.

15 I should add that to this point there have been no
16 specific restrictions placed on the media, members of
17 the public or interested parties posting live to social
18 media during hearings. However, as we start this case
19 study and begin to hear very personal and sensitive
20 evidence, I have decided to suspend live social media
21 posting from the hearing room. There is to be no social
22 media posting from the hearing room at all. You will be
23 advised if that changes.

24 I'm now going to pass to senior counsel to the
25 Inquiry, Mr MacAulay.

1 MR MacAULAY: Good morning, my Lady.

2 I understand that five parties have sought leave to
3 appear and have been granted leave to appear in the
4 course of this case study. Shortly I think they will be
5 asked to introduce themselves and make a short opening
6 statement.

7 Before that, can I just make some very brief
8 observations about the programme for this case study
9 into the Daughters of Charity.

10 In these pre-Christmas hearings, the Inquiry will
11 hear the evidence of 36 applicants who were former child
12 residents. Twenty-three will give oral testimony and 13
13 statements will be read into the transcripts.

14 There will also be evidence on discrete issues in
15 the final week prior to Christmas, in particular in
16 relation to the deaths of Smyllum children while in care
17 and the burial of children from Smyllum.

18 In January, the plan at present is to hear the
19 evidence of around another 10 applicants or so, although
20 that number may change. Also in January, evidence will
21 be led from several Sisters from the Order and also from
22 some other witnesses. Three weeks have been set aside
23 for that evidence.

24 LADY SMITH: Thank you. Can I now turn to those

25 representing the parties that have leave to appear in

1 this hearing and invite them to make any opening
2 statement they wish to offer.

3 Mr Scott.

4 Opening statement by MR SCOTT

5 MR SCOTT: Thank you, my Lady. My name is John Scott and
6 I'm senior counsel for INCAS who have been designated as
7 core participants in the Inquiry.

8 "One of the most memorable visits I ever had was to
9 Smyllum House in Lanark. Smyllum, which could be taken
10 as a showpiece for the rest of Scotland, provides for
11 family groups and its great merit is that it gives
12 deprived children a chance to keep together as one
13 family. It recruits lay staff and encourages proper
14 training."

15 This is a quote about Smyllum from a local
16 councillor in a 1969 newspaper. The quote appeared in
17 the official response to the Inquiry by the Daughters of
18 Charity that was mentioned in the evidence in chapter 1.
19 There is a cruel irony in that quote because not only
20 was Smyllum by then a place of historical abuse, on the
21 evidence, some of which we will hear in coming weeks and
22 into January, abuse was happening even as the
23 establishment was being hailed as a showpiece and for
24 years thereafter.

25 It may even be that Smyllum's reputation as

1 a showpiece contributed to the lack of adequate scrutiny
2 and therefore to the perpetuation of abuse. While
3 precise timings are difficult, abuse seems to have
4 incurred at Smyllum over a period of decades to the
5 extent that although much good may well have been done
6 there, the name Smyllum will forever be associated with
7 abuse and suffering.

8 As my Lady said in the opening chapter, the fact
9 that some have positive memories simply highlights the
10 unacceptable and inexplicable deficit for survivors who
11 do not.

12 Just how could abuse of such extent and duration
13 occur without discovery, knowledge or even just
14 suspicion on the part of other staff and visitors,
15 especially given how closely knit a community the
16 Sisters were?

17 There are limited possibilities for those times when
18 abuse was happening. Either people knew because they
19 themselves were involved, or they knew and did nothing
20 to stop it, or no one else cared enough about the
21 children of Smyllum to take sufficient interest to find
22 out what life for them was really like in this showpiece
23 home.

24 No doubt some associated with Smyllum were unaware
25 of the abuse which took place while they were there but

1 in itself that should be a source of shame. Even if
2 non-abusive staff were unaware of the abuse, it appears
3 that many of the children knew, even some of them were
4 not themselves abused. For many of them "the Smyllum
5 way" became shorthand for wicked abuse. They knew what
6 to expect if they were to sin, for example by crying or
7 wetting the bed. The Smyllum way did not involve only
8 one or two abusers. It did not last only for a short
9 time. It involved many abusers and took place over
10 decades. It seems to have become part of the
11 institutional memory in the place for abusers and
12 children alike. Some of these children you know better
13 in their previous life than abuse, which amplifies these
14 crimes as some were in Smyllum to escape that very abuse
15 at home. To escape abuse only to discover more, and
16 sometimes worse, in a place of safety and sanctuary must
17 be the ultimate devastation.

18 In their official response the Daughters of Charity
19 maintain that the services provided at Smyllum included
20 a safe environment. While true for some, perhaps many,
21 that is a cruel lie for survivors. Even the claims that
22 services included the provision of food will be called
23 into question by some of the evidence which we will hear
24 in this chapter.

25 I make no apology for re-stating the hope of all

1 affected INCAS members that the Daughters of Charity and
2 those responsible for shaping or making the further
3 official responses or giving evidence will look properly
4 at the evidence of survivors and react appropriately by
5 way of acknowledgement and apology.

6 Survivors are still watching. Lessons can be
7 learned from the more open and accepting approach taken
8 by some bodies in the first chapter and in official
9 responses.

10 While individual denials of knowledge may well be
11 true, denials of responsibility, coupled with qualified
12 and therefore essentially empty apologies compound the
13 suffering of survivors. Further insult has been added
14 to injury in the suggestion by one Sister in her
15 statement that these allegations have been made for
16 compensation.

17 Survivors are well aware that when they were
18 children they were viewed by some as financial
19 commodities with their value reflected in payment for
20 their care. To suggest that the long campaign has been
21 driven by money shows that some still view them in
22 financial terms or think that they view themselves in
23 financial terms.

24 Already I suggest this Inquiry has seen how much
25 more there is to survivors than any legitimate demand

1 for compensation. Prevention of future abuse,
2 acknowledgement, apology and accountability are what
3 really drives them.

4 Acknowledgement may yet be achieved by admission or
5 acceptance. We have yet seen no admission of guilty by
6 abusers, indeed quite the opposite. Some seem to
7 require conviction in the criminal courts before
8 admissions are offered. While full admission may only
9 be possible if there are convictions or if abusers
10 confess or others accept knowledge of abuse, there is
11 nothing at all in this Inquiry's search for truth,
12 acknowledgement and accountability to prevent
13 organisations and individuals from recognising and
14 accepting the obvious.

15 Instead we have descriptions of Smyllum as a happy
16 and nurturing place as if taken from a glossy brochure.
17 For all the times that that was true, there are days,
18 months and years when it was not. Descriptions of
19 Smyllum by Sisters and by survivors are in some places
20 so different one wonders if they can even be describing
21 the same place.

22 For the avoidance of doubt, survivors feel much more
23 strongly than simply having been let down, which was the
24 form of words used on behalf of the Daughters of Charity
25 in their opening statement on 31 May at the start of the

1 first chapter and Sisters being saddened and shocked
2 about the nature and number of allegations is not good
3 enough for survivors. Sympathy without acknowledgement
4 will not do.

5 The furthest any representative of the Daughters of
6 Charity went in any acknowledgement was upon being
7 pressed by my Lady as to whether there was any
8 possibility of the allegations being well founded. The
9 answer to that was, "There is a possibility", and then
10 shortly thereafter, "There is always a possibility",
11 before then referring to claims made in around 1998 to
12 2000 when matters were simply left in the hands of
13 solicitors. Passing such matters to solicitors is
14 obviously acceptable but only in a situation like this
15 if coupled with internal investigation and genuine
16 reflection.

17 This attitude came across to survivors as a refusal
18 to acknowledge never mind to be held accountable.
19 Anything of course is possible, even belated
20 acknowledgement and genuine apology. It may be that
21 deeper reflections suggest that the annually renewed vow
22 of service to the poor demands no less.

23 On behalf of the Daughters it was said that
24 allegations were not made at the time but if records are
25 inadequate and many involved are now dead, how can that

1 be said? It cannot be said and we will hear evidence
2 which contradicts it. Survivors tell us something very
3 different. While it may be extremely unusual to find
4 allegations of abuse in records, especially if the
5 perpetrators were involved in the process of
6 record-keeping, the more allegations the Inquiry has
7 heard about the more difficult it is to accept that the
8 abuse could have happened for so long without even
9 suspicion on the part of others.

10 Whether there was anything in records to corroborate
11 the abuse, to whatever extent we will never know because
12 those records were destroyed. That is of course no
13 basis for a presumption in favour of those in denial of
14 abuse.

15 Endless study of limited remaining records will not
16 assist in identifying the reasons for abuse. But such
17 reasons would surely extend beyond the Sisters'
18 explanation of structures, accountabilities, reporting
19 systems that were not in place. That may be why it went
20 undetected. That may be why it happened for so long.
21 It is not why it occurred in the first place.

22 It can assist with explaining opportunity and their
23 failure to investigate at the time but it does not
24 address at all the question of how many so individuals
25 who went on to abuse children came to be gathered

1 together in one place supposedly dedicated to service of
2 the poor in the name of God.

3 It may have seemed in the evidence from the
4 Daughters of Charity in chapter 1 that what they were
5 considering was purely historical abuse from a time for
6 which there were no survivors, whether residents or
7 staff. Many of the statements taken by the Inquiry
8 which we will hear over the coming weeks tell us that
9 such a restricted view is wrong as well as dangerously
10 complacent. It might be more difficult for surviving
11 Sisters to conceive of abuse so recent that some abusers
12 might still be alive, but that is what the Inquiry will
13 hear.

14 In closing, my Lady, I too have identified a quote
15 from a newspaper about Smyllum. This one is not
16 self-serving. It is already in the Inquiry records and
17 I will not read it in full. It is from an edition of
18 Scotland on Sunday from 14 September 2003. It helps to
19 show how Smyllum has become a synonym for neglect and
20 suffering with specific reference to those children
21 whose deaths went unmarked in terms of any sort of
22 memorial. So far as detail is concerned we will hear
23 more in this chapter and we know that the numbers
24 involved are greater than was suspected but the main
25 points remain:

1 "Scores of tiny mounds and indentations punctuate
2 the grass of a forlorn corner of St Mary's Cemetery in
3 Lanark. They are the evidence of a dark episode in
4 recent Scottish history that saw children who had
5 already been robbed of their lives then robbed of their
6 identities. It is estimated that the bodies of as many
7 as 100 children lie unmarked and unmourned in St Mary's
8 all of them former residents of the town's notorious
9 Smyllum Orphanage.

10 "The Catholic nuns who ran the institution until it
11 shut in the 1980s already stand accused of terrorising
12 the living in their care. Now it has been revealed how
13 children who died during Smyllum's century in existence
14 were placed without ceremony in paupers' graves at
15 nearby St Mary's and no record kept of their final
16 resting place.

17 "Survivors of the home, many of them still
18 struggling with their own horrific experiences of abuse,
19 are now determined to honour the children who never
20 left. They are campaigning for the Catholic Church to
21 fund a proper memorial and properly examine records so
22 the dead can finally be given back their identities.

23 "Frank Docherty survived two years of beating and
24 humiliation at Smyllum after his alcoholic parents
25 decided they could no longer look after him and his

1 siblings and dumped him in the care of the
2 Catholic Church in 1954. Docherty told Scotland on
3 Sunday that when children died from diseases, none of
4 the nuns would speak about it. He never recalls
5 attending a requiem Mass for any of the orphans.

6 "In stark contrast, he recollects vividly having to
7 kiss the forehead of a dead nun as she lay at the
8 entrance of St Mary's Church, Lanark, at the start of
9 a requiem Mass before burial at St Mary's Cemetery.

10 "'The nuns were a law unto themselves at Smyllum',
11 said Docherty. 'I feel that years ago many of these
12 children were buried without proper records being kept
13 of who they were. At present the only memorial to the
14 children is a stone engraved with the words "Sweet Jesus
15 have mercy on the souls of the children of Smyllum"'.
16 I think as our INCAS secretary, Jim Kane, said, 'These
17 children had names, had friends and some had relatives.
18 No one knows when they died and who they are because
19 they have been completely forgotten. It is a pitifully
20 sad sight to see so many little humps and indentations
21 in the grass that are the only indications of their last
22 resting places. It is bad enough that adults have come
23 forward to tell of the cruel regime at Smyllum but to
24 leave these children's graves unmarked is just as big a
25 sin'. Kane said, 'INCAS and many local people want the

1 church to pay for a new memorial. The church could use
2 some of the wealth it gained in selling Smyllum itself
3 for the development of flats as well as selling off
4 other land in the town for housing.'"

5 That is the quote concluded, my Lady, and just
6 a very final thing I would like to say is I have been
7 asked -- and INCAS are keen to acknowledge things that
8 should be acknowledged -- to point out that eventually
9 the Daughters of Charity agreed to erect a suitable
10 memorial to the dead children after Jim Kane and
11 Frank Docherty and others refused to give up their
12 pursuit of such recognition, and that memorial erected
13 carries the same simple prayer for the mercy of the
14 souls of the children of Smyllum, which of course now
15 includes Mr Docherty and Mr Kane.

16 Thank you, my Lady.

17 LADY SMITH: Thank you Mr Scott.

18 Can I turn now to the representation for the
19 Daughters of Charity and I know we have Ms Allen and
20 Mr Rolfe here. I am not sure which of you is going to
21 speak.

22 Opening statement by MR ROLFE

23 MR ROLFE: I am much obliged. My name is Gregor Rolfe and I
24 am the solicitor advocate appearing on behalf of the
25 Daughters of Charity. My Lady, as the Inquiry now turns

1 to deal with the case study into the (inaudible).
2 (Audio problem -- no amplification available)
3 LADY SMITH: Mr Rolfe, is your microphone switched on?
4 MR ROLFE: I have a light illuminated my Lady.
5 LADY SMITH: You may need to adjust the position of the
6 microphone. Whilst I can hear you, I suspect people
7 behind you cannot.
8 MR ROLFE: My apologies, my Lady.
9 LADY SMITH: You weren't to know.
10 MR ROLFE: Shall I begin again my Lady?
11 LADY SMITH: I think you had better.
12 MR ROLFE: I am much obliged.
13 My Lady, if I may --
14 LADY SMITH: Just one moment. (Pause).
15 Try now, Mr Rolfe.
16 MR ROLFE: I am much obliged, my Lady; is that better?
17 LADY SMITH: Can could I just check: can everybody sitting
18 at the back hear Mr Rolfe? I saw some thumbs up.
19 Whatever position you were in a moment ago seemed to be
20 absolutely right, if you can maintain that.
21 MR ROLFE: I shall do my very best so to do, my Lady.
22 If I may reintroduce myself, I can Mr Gregor Rolfe,
23 the solicitor advocate appearing on behalf of the
24 Daughters of Charity. As the Inquiry now turns to deal
25 with the case study into the Daughters of Charity, the

1 Order would like me to reiterate the apology made at the
2 conclusion of the first phase:

3 "As Daughters of Charity, our values are totally
4 against any form of abuse and thus we offer our most
5 sincere and --"

6 LADY SMITH: Just one moment. (Pause)

7 MR ROLFE: If I may simply begin again with the apology:

8 "As Daughters of Charity, our values are totally
9 against any form of abuse and thus we offer our most
10 sincere and heartfelt apology to anyone who suffered any
11 form of abuse whilst in our care. We also wish to
12 express our deep sorrow that Frank Docherty died before
13 seeing the result of his years of work coming to
14 fruition in this Inquiry. Finally, we give our
15 assurance that we will work with the Inquiry to bring
16 a successful resolution to its work."

17 My Lady, one significant development has been
18 brought to the Inquiry's attention since my closing
19 statement was delivered in July of this year. That
20 development led to the amendment of the Order's
21 responses to parts B, C and D of the Section 21 Notice.

22 In August, the Order's safeguarding officer, Sister
23 Eileen Glancy was contacted by Eileen Aigo(?), a former
24 lay staff member employed by and then a sister with the
25 Daughters of Charity of St Vincent de Paul. Eileen Aigo

1 learned of the conviction of Brian Dailey(?) for offences
2 against children in at least one other home. That
3 discovery compelled her to discuss what she knew of
4 an allegation of abuse involving Brian Dailey whilst he
5 was a volunteer at Smyllum.

6 The incident is described more fully in the Order's
7 revised response to part D relating to Smyllum. Put
8 shortly, at some stage in the 1970s, while working at
9 Smyllum, Eileen Igoe was involved in a discussion with
10 the Sister Servant -- that is the Sister Superior, my
11 Lady -- of Smyllum about an allegation of abuse of two
12 Brothers by Brian Dailey whilst on holiday.

13 Eileen Igoe was a witness that the Order had been
14 aware of at the date of the compilation of their
15 responses to the Inquiry. In 2005 she provided a signed
16 six-page letter detailing her experience of working in
17 Smyllum during investigations into the civil claims
18 raised against the Order. That statement made no
19 reference to her being aware of any allegation of abuse
20 during her time at Smyllum. That letter has been
21 provided to the Inquiry team.

22 Following her contact with the Order in August,
23 Eileen Igoe was interviewed by solicitors for the Order
24 and a copy of her statement dealing with the allegation
25 of abuse was passed to counsel for the Inquiry to allow

1 him to instruct such investigations as he felt
2 appropriate.

3 The Order also reported the incident to the police.
4 At the same time, I advised senior counsel to the
5 Inquiry that there would be an amendment to the Order's
6 Section 21 response in light of Eileen Igoe's witness
7 evidence. The evidence of Eileen Igoe points to
8 a number of failures on the part of the Order at the
9 time of the allegation and they seek to acknowledge and
10 apologise for those.

11 In the first instance, my Lady, there is no record
12 of an investigation into the allegation. In my
13 submission, that points to either an investigation
14 having been carried out and not recorded or that no
15 investigation was carried out at all. In either case,
16 there was a failure on the part of the Order for which
17 they apologise unreservedly.

18 Secondly, my Lady, there was no contemporaneous
19 report of the allegation to the police. Again, that is
20 a failure on the part of the Order for which they
21 apologise unreservedly.

22 Third, my Lady, the allegation ought to have been
23 reported to the Provincial Council and the Provincial
24 that it is another failure on the part of the Order.

25 My Lady, the Order are deeply troubled by each of

1 these failures. The Sister Servant in charge of Smyllum
2 at the material time is now deceased and the Order can
3 offer no insight into why these decisions were made.
4 The Order offers its sincere and heartfelt apology for
5 those failures.

6 The order has continued to co-operate fully with the
7 Inquiry team whilst carrying out further investigations
8 in preparation for this phase of the Inquiry.

9 Solicitors approached former members of the Order and
10 former members of staff for whom they had details.
11 Those individuals were asked whether they knew of any
12 other potential witnesses who could speak to matters
13 within the Inquiry's terms of reference. The Inquiry
14 team were alerted to the fact that certain witnesses
15 had, by that means, been identified in order that they
16 could carry out such investigation as they saw fit.

17 The Order will continue to co-operate fully with the
18 Inquiry team. Unless I can be of any further
19 assistance, my Lady, that concludes the opening
20 statement on behalf of the Daughters of Charity of
21 St Vincent de Paul.

22 LADY SMITH: Thank you very much, Mr Rolfe.

23 Could I now turn to the representation for Scottish
24 Government. Ms O'Neill.

25 MS O'NEILL: Thank you my Lady. Can I be heard?

1 LADY SMITH: Yes.

2 MS O'NEILL: My Lady, my name is Christine O'Neill, I'm
3 a solicitor advocate and I appear on behalf of the of
4 the Scottish Ministers. As I mentioned on the first day
5 of the phase 1 hearings, I also appear on behalf of
6 those executive agencies which form part of the Scottish
7 Government and for which the Scottish Ministers are
8 directly responsible, including, in the context of this
9 Inquiry, Education Scotland, Disclosure Scotland and the
10 Scottish Prison Service.

11 I do not represent the Crown Office and Procurator
12 Fiscal Service, whose interests are represented
13 separately by Mr Richardson.

14 The Scottish Ministers remain committed to
15 participating fully in the Inquiry as a core
16 participant. In relation to this next phase of the
17 Inquiry's hearings, I would wish to refer to certain
18 matters that arose during phase 1 and which relate to
19 the Daughters of Charity.

20 As the Inquiry will be aware, during the latter part
21 of phase 1 the Scottish Ministers submitted the first
22 part of an inspection report covering the period 1930 to
23 1968, setting out and explaining the various systems of
24 inspection put in place by or on behalf of government in
25 respect of children in care.

1 This was prepared by Professor Ian Levitt,
2 an independent expert instructed by the Scottish
3 Government. Professor Levitt gave oral evidence to the
4 enquiry about part of the information report on 2nd and
5 3 November.

6 When giving evidence on 2 November, Professor Levitt
7 referred to an inspection report relating to
8 Smyllum Park in the period after 1968. Professor Levitt
9 has subsequently confirmed to the Inquiry team that he
10 had misunderstood the question put to him by counsel to
11 the Inquiry and believed he was being asked about the
12 period up to 1968.

13 The Scottish Government Response Unit has confirmed
14 to the Inquiry team that Professor Levitt has had access
15 to all the material on Smyllum that he and the
16 government are aware of and that all this material has
17 been shared with the Inquiry.

18 Professor Levitt is currently working on a second
19 inspection report covering the period 1968 to 1992 which
20 will be submitted to the Inquiry in due course.
21 Arrangements are also being made for a further
22 inspection report covering the period 1992 to 2014.

23 The Scottish Ministers welcome phase 2 of the
24 Inquiry. They are particularly conscious of the need to
25 understand how the responsibilities of the State in

1 relation to the inspection and regulation of the
2 establishments which are the subject of the case studies
3 during this phase were discharged at central government
4 and local authority levels.

5 As required by the Inquiry for this second phase,
6 material has been submitted by the Scottish Ministers,
7 including Education Scotland. That material includes
8 all information held by Education Scotland and their
9 predecessors related to arrangements by inspection or
10 other oversight in relation to certain establishments
11 operated by the Daughters of Charity of St Vincent de
12 Paul, including Smyllum Park and Bellevue House,
13 establishments operated by Quarrier's Village, certain
14 establishments operated by the Congregation of our Lady
15 of the Good Shepherd, and certain establishments
16 operated by the Sisters of Nazareth.

17 The material also includes all records held by the
18 Scottish Government in relation to Smyllum Park, Bellvue
19 and specified Nazareth House residential child care
20 establishments.

21 Ministers will continue to co-operate and engage
22 fully with the inquiry. The Ministers are grateful to
23 all those who have already come forward to participate
24 in the Inquiry and hope those yet to do so will come
25 forward to participate.

1 My Lady, again, unless I can be of any further
2 assistance, those are the opening submissions for the
3 Ministers.

4 LADY SMITH: Thank you very much.

5 Can I now turn to the representation for
6 Police Scotland and we have Ms Van Der Westhuizen here,
7 I think, for the police.

8 Opening statement by MS VAN DER WESTHUIZEN

9 MS VAN DER WESTHUIZEN: Good morning, my Lady.

10 My name is Laura-Anne Van Der Westhuizen and I'm
11 an advocate representing the Chief Constable of the
12 Police Service of Scotland, who has been granted core
13 participant status in this Inquiry. I'm instructed by
14 Rhona Stannage, a principal solicitor with the
15 Police Scotland Legal Services and I'm accompanied by
16 her here today.

17 My Lady, I'm grateful for the opportunity to make
18 this opening statement on behalf of Police Scotland.
19 Firstly, on behalf of Police Scotland I would like to
20 express sympathy to the numerous survivors who suffered
21 abuse after having been placed in care across Scotland.

22 By way of background, my Lady, the Police Service of
23 Scotland, or Police Scotland as it is more commonly
24 known, was established under section 6 of the Police and
25 Fire Reform (Scotland) Act (2012) and formally came into

1 being as a single force on 1 April 2013. This followed
2 the amalgamation of the former eight regional forces
3 through which policing had been delivered across
4 Scotland since 1975.

5 Policing has changed significantly during the
6 reference period of this Inquiry. For the majority of
7 that time, police forces or constabularies across
8 Scotland had no specialist units or officers trained in
9 or dedicated to the investigation of child abuse.

10 Also, while the use of information technology and
11 forensic evidence is now taken for granted, not so long
12 ago crimes were recorded on paper and DNA opportunities
13 were limited, which restricted the opportunity to link
14 cases and perpetrators or to provide corroborative
15 evidence.

16 Police investigations were often undertaken in
17 an episodic manner, looking at isolated incidents,
18 without considering the bigger picture, such as
19 cross-boundary considerations, partner interaction, or
20 sharing of information that form part of child abuse
21 investigations today.

22 Over the last decade, policing across Scotland has
23 evolved and improved with regards to how the police
24 respond to reports of or information suggesting that
25 a child may be at risk as a result of abuse or neglect.

1 This has included significant changes in the way
2 investigations are approached as well as wider
3 collaborative working, greater resource investment,
4 improved staff expertise, and training and care, and
5 governance.

6 The creation of the single police service in
7 Scotland delivered a real opportunity to maximise the
8 use of specialist skills and expertise in the area of
9 child protection and allowed for a more consistent
10 approach when tackling offending against children,
11 including non-recent offending.

12 It also provided the opportunity to form national
13 specialist investigation units to support each of
14 Police Scotland local policing divisions. In
15 April 2013, Police Scotland established the National
16 Child Abuse Investigation Unit, comprising specially
17 trained officers located against Scotland. This was to
18 provide local policing teams with specialist support in
19 the investigation of complex child abuse and neglect and
20 also to improve Police Scotland's information networks
21 such as with third sector support services, to allow
22 proactive investigation of those who may pose a risk to
23 children.

24 The National Child Abuse Investigation Unit is also
25 Police Scotland's link to Operation Hydrant, which

1 provides a national coordination function throughout the
2 UK in respect of non-recent child abuse investigations
3 involving institutions and/or persons of public
4 prominence.

5 In relation to Police Scotland's role in this
6 Inquiry, as your Ladyship is aware, since the
7 announcement of the Inquiry, a team of officers from
8 Police Scotland have been working continuously to
9 identify, retrieve, assess and catalogue all public
10 protection investigation files held by Police Scotland
11 that fall within the Inquiry's terms of reference.

12 My Lady, so far in excess of 180,000 of those files
13 have been reviewed and that work is ongoing.
14 Police Scotland is committed to providing continuing
15 support to the Inquiry and will continue to collate the
16 information required to enable the Inquiry to fulfil its
17 remit.

18 Police Scotland is also committed to making
19 a positive and substantial contribution to the creation
20 of a legal and policy framework that guarantees children
21 in care the greatest possible level of security and
22 protection. During this Inquiry, my Lady, there may be
23 occasions where survivors provide testimony or where
24 a review highlights a case where child protection
25 response or investigatory standard was not to the best

1 practised standards that are recognised and applied
2 today or where a more thorough police investigation may
3 have prevented further abuse.

4 Police Scotland recognises the importance of
5 organisational learning and development to ensure its
6 staff have the capabilities, skill and competence to
7 drive continuous improvement and will take into account
8 any lessons to be learned that may be identified by this
9 Inquiry as part of its commitment to improving and
10 developing its practices and policies.

11 My Lady, unless I can assist your Ladyship further,
12 that concludes the opening statement on behalf of
13 Police Scotland.

14 LADY SMITH: Thank you very much. That is very clear.

15 Finally can I turn to the representation for the Crown
16 Office and Procurator Fiscal Service, which is
17 Mr Richardson, I think.

18 Opening statement by MR RICHARDSON

19 MR RICHARDSON: Thank you, my Lady.

20 I have turned on my microphone, but I'm not clear if
21 it is functioning or not.

22 LADY SMITH: I can hear you. What about people at the back?

23 Yes, lots of thumbs up.

24 Thank you for checking, Mr Richardson.

25 MR RICHARDSON: Thank you, my Lady.

1 My name is Martin Richardson, I'm an advocate and
2 I address the Inquiry on behalf of the Lord Advocate,
3 James Wolffe. The Lord Advocate is the head of the
4 system of prosecution and investigation of deaths in
5 Scotland. He has ministerial responsibility for
6 the Crown Office and Procurator Fiscal Service, more
7 commonly known as the COPFS, the sole prosecution agency
8 in Scotland.

9 He exercises his functions as head of the system of
10 prosecution and investigation of deaths independently of
11 any other person. In fulfilling that role, the COPFS
12 receives reports from the police in relation to alleged
13 offences and prosecutors within the service have the
14 responsibility of deciding what action to take,
15 including whether to prosecute individuals accused of
16 crimes and, if so, in what forum.

17 Once investigations are complete, a decision must be
18 made as to whether there is sufficient evidence of
19 a crime and what action would be in the public interest.
20 It is in respect of those prosecutorial functions that
21 I address the Inquiry today.

22 The Lord Advocate is committed to supporting the
23 work of this Inquiry and, where possible, to
24 contributing positively and constructively to that work.

25 As Scotland's public prosecution agency, the COPFS

1 plays a pivotal role at the heart of the criminal
2 justice system. As the Lord Advocate has previously
3 said, the effective rigorous and fair prosecution of
4 crime in the public interest underpins our freedom and
5 security and helps keep our communities safe from crime,
6 disorder and danger.

7 The work of the public prosecutor acting
8 independently in the public interest is essential to
9 an effective criminal justice system, one which deals
10 fairly with people accused of crime, secures justice for
11 the victims of crime, and punishes those who are
12 convicted of crime.

13 The Lord Advocate recognises that the Inquiry's
14 terms of reference include consideration of the extent
15 to which failures by State institutions, including the
16 courts, to protect children in care in Scotland from
17 abuse have been addressed by changes to practice, policy
18 or legislation.

19 We understand that the response of the criminal
20 justice system may itself be the subject of a separate
21 phase of hearings in the future. The criminal justice
22 system has changed significantly since many of the
23 incidents with which the Inquiry is concerned took
24 place. These changes have affected many aspects of the
25 justice system, including the investigation of crime,

1 the way in which prosecutions are conducted, the laws of
2 evidence and procedure, and the way that children and
3 vulnerable witnesses are treated in court.

4 The COPFS has provided and will continue to provide
5 the Inquiry with information about its own practices and
6 policies in dealing with allegations of abuse in care
7 both in the past and how those practices and policies
8 have changed over time.

9 The COPFS is well placed to assist the Inquiry with
10 evidence about the changes to the criminal justice
11 system which have improved the response of the system as
12 a whole to allegations of institutional abuse of
13 children.

14 This aspect of the Inquiry's work will hold up
15 a mirror to our individual and collective response as
16 a society to the institutional abuse of children. It
17 will require the institutions charged with the
18 investigation and prosecution of crime to face up
19 candidly and critically to the practices and policies of
20 years gone by. In understanding and acknowledging the
21 deficiencies of the past, lessons can be learned for the
22 future.

23 I fully expect that this aspect of the Inquiry will
24 reveal a journey of significant improvement over
25 decades. Today, with our greater understanding of the

1 true nature and gravity of this type of offending and
2 the lasting impact it has on its victims, the
3 Crown Office and Procurator Fiscal Service consistently
4 and successfully prosecutes historical allegations of
5 abuse of children in care.

6 That is as it should be. But while prosecution
7 practices and policies have moved on considerably, the
8 Lord Advocate will use the knowledge acquired and the
9 lessons learned through this Inquiry to shape and
10 improve prosecution practices and policy for the future.

11 Finally, it is plain from what I have said that the
12 prosecutorial response, indeed the response of the
13 justice system as a whole, to the institutional abuse of
14 children has changed over time. It is also clear that
15 some prosecutorial decisions taken in the past would not
16 be taken in the same way today.

17 The Lord Advocate has, accordingly, established
18 a team of prosecutors dedicated to reviewing decisions
19 taken in the past by the COPFS in respect of allegations
20 of abuse of children in care which were reported to it
21 by the police.

22 Where further investigation, using modern
23 investigative techniques is appropriate, the cases are
24 being re-investigated and consideration given to whether
25 or not a prosecution can and should now be brought.

1 In conclusion, may I repeat the Lord Advocate's
2 commitment, first, to assisting the work of the Inquiry
3 and, second, to the effective, rigorous and fair
4 prosecution of crime in the public interest,
5 consistently for all, including for the most vulnerable
6 in our society.

7 Unless I can assist my Lady further, those would be
8 my opening submissions.

9 LADY SMITH: That's very clear again. Thank you,
10 Mr Richardson.

11 I'm now going to turn to Mr MacAulay to introduce
12 the evidence.

13 MR MacAULAY: My Lady, the first witness wants to remain
14 anonymous and he wants to use the name "David" in giving
15 his evidence. So I call David to give evidence.

16 LADY SMITH: Thank you.

17 Good morning David. Would you take the oath please.

18 WITNESS AAI -- "DAVID" (sworn)

19 LADY SMITH: Do sit down and make yourself comfortable.

20 I should probably explain why the people beside you
21 are tapping away on machines: they look after the
22 transcript of the evidence, so I hope it won't be too
23 much of a distraction to you; it is usually very quiet.

24 I'm now going to invite Mr MacAulay to ask questions
25 of you. Mr MacAulay.

Questions from MR MacAULAY

MR MacAULAY: Good morning, David.

You have chosen the name David to give your evidence
and you want to remain anonymous; is that correct?

A. Yes.

Q. Before you came in, Lady Smith reminded everyone that
your identity must be protected, so you understand that?

A. Yes.

Q. Can I also say to you at the outset that when I ask you
questions, it is not a memory test for you. There will
be things you will not remember and, if that's the case,
just please say so. Do you understand that?

A. Yes.

Q. You have provided the Inquiry with a statement and if
there are things that you now remember and didn't
remember at the time of the statement, again, please
feel free to tell us that; do you understand that?

A. Yes.

Q. Can I take you to your statement first of all. I just
want to look at the last page of your statement. There
is a copy of the statement in front of you. The
statement itself is -- I will just give the reference
for the transcript at WIT.001.001.0305. If you turn to
the last page, at 0332, can you see that where your
signature would be has been blacked out?

1 A. It is still here.

2 Q. There is another copy we see on the screen that's
3 blacked out. In any event, I want to take from you that
4 you signed this statement; is that right?

5 A. Yes.

6 Q. If you look at the last paragraph of the statement,
7 paragraph 151, you say in that paragraph:

8 "I have no objection to my witness statement being
9 published as part of the evidence to the Inquiry."

10 That is correct, isn't it?

11 A. Yes.

12 Q. "I believe the facts stated in this witness statement
13 are true."

14 Is that correct?

15 A. Yes.

16 Q. I think, in fact, the position is that you have two
17 copies of your statement in front of you. One where
18 certain private information has been blacked out and one
19 that does not. If you go to the very beginning of
20 what's in the folder --

21 LADY SMITH: Yes, you are into the right one now, I can see.

22 If you go right to the start, I think Mr MacAulay is
23 about to take you back to the beginning and this is the
24 one that, for confidentiality and protection of your
25 identity purposes, has got black parts in it.

1 MR MacAULAY: I will take you through your statement, David,
2 so you can use it as you see fit. I don't want your
3 date of birth, but it will be important to put into
4 context the time frame. Can I take it that you were
5 born in the year 1957?

6 A. Yes.

7 Q. You tell us in the statement that you don't really have
8 much of a memory of your home life before going to care;
9 is that right?

10 A. I can't remember anything.

11 Q. Nothing at all. But do you actually remember going into
12 care?

13 A. I remember Mr Miller taking us up the driveway. I can't
14 remember being picked up from anywhere, but I remember
15 going up the driveway to Smyllum Park Orphanage.

16 Q. You mentioned Mr Miller; was he a welfare officer who
17 was looking after you --

18 A. He was my social worker.

19 Q. At that time, were you taken into care along with some
20 other members of your family?

21 A. Yes.

22 Q. I don't want the names, but can you tell us how many
23 other members there were?

24 A. Three brothers and one sister.

25 Q. So far as ages were concerned, were the brothers older

1 brothers to you?

2 A. Two older, one younger.

3 Q. The Inquiry can tell from the records that we have

4 looked at that you were admitted to Smyllum on

5 [REDACTED] 1959. Does 1959 seem about right to you?

6 A. Yes.

7 Q. Were you aged about two at the time?

8 A. I know from my records that I was two when I went in.

9 Q. What recollection do you have of where you went when you

10 were first admitted to Smyllum?

11 A. The very first memory of Smyllum I have is the first

12 time I saw somebody dressed in a Santa suit, which was

13 in the -- as you go up the driveway, where the orphanage

14 used to be, there is the big main house, and I don't

15 know, about 30/40 yards further on there is another big

16 house, with a big stained glass window at the top. That

17 was where they had the really young children.

18 Q. So when you went in, were you and your siblings divided

19 up --

20 A. Yes.

21 Q. -- because you were of different ages?

22 A. Yes.

23 Q. Did you, because of your age, go into a group of very

24 young children?

25 A. Yes.

1 Q. Do you have any objection at looking at a photograph?

2 A. No.

3 Q. I will put this on the screen then. If you look at

4 DSV.001.001.0353. It will be on the screen in front of

5 you, David. We understand that's a photograph looking

6 towards the centre of the main building at Smyllum,

7 a chapel to the left. Are you now talking about the

8 building to the right?

9 A. Yes.

10 Q. Was that the nursery building?

11 A. Yes.

12 Q. You mentioned a stained glass window. Is that shown in

13 the photograph or not?

14 A. I can't really see; it is the very top of that apex

15 above the door.

16 Q. The window above the door?

17 A. That round thing.

18 Q. We can just make out the two top parts of that are

19 circular; that's what you are talking about?

20 A. Yes. No, the one up -- you know at the top of the apex,

21 there is one round thing.

22 Q. So you have a recollection of that?

23 A. Yes.

24 Q. Why do you have a particular recollection of that?

25 A. It was a recurring nightmare, it was -- I don't know why

1 it switched from that stained glass window and
2 a millstone, but the recurring dream was it would be
3 rolling after me and I would be running from it.
4 I don't know why that was.

5 Q. That was your recurring nightmare?

6 A. Yes.

7 Q. When you were in that part of the building, clearly, you
8 would be there with other young children; is that
9 correct?

10 A. Yes.

11 Q. Have you any recollection of the regime at that time,
12 what your routine was?

13 A. Up in the morning -- if you had the stained glass window
14 to the back of you, the washrooms were to the front of
15 you. You would get washed. Go downstairs -- sorry, if
16 you had wet the bed, which I think most of the kids did,
17 for some reason the sheet went round your neck. Then
18 you went and got washed, dressed, downstairs, and
19 I can't, to be honest, remember if we ate in there or
20 somewhere else. Then it was like you stayed in there
21 all day. There was times I remember coming out to
22 play -- on that grass at the front, there was a dead
23 tree stump there. I think it was just in front of the
24 main house and we used to play round that area.

25 Q. Did you say a moment ago that after breakfast you went

1 to a room, not clearly a big room, and you spent a large
2 part of the day in that room?

3 A. Yes, there was a big table. It had one of them arms
4 that fold out. I don't know what they used it for. We
5 played in there most of the time. That's the room where
6 I had the memory from seeing Santa Claus, the first
7 memory.

8 Q. I will come back to that shortly. You mentioned
9 bed-wetting and I will come back to that as well.

10 At this time when you were in your nursery, in the
11 nursery area, did you have any contact with your
12 siblings?

13 A. No.

14 Q. What about toys? At this early time when you were in
15 the nursery area, did you have toys to play with?

16 A. I don't remember any.

17 Q. But did there come a time then when you were moved to
18 another part of the Smyllum?

19 A. Yes, there was like a little plain square and it had
20 a playground roundabout in it, it was a bit random.
21 There was a place there we got moved to. Another time
22 we got moved to -- there was like this underpass, just
23 to the right of that. At the back of the chicken farm
24 we got moved to -- I think that was Kentigern House,
25 I think.

1 Q. If I can perhaps put it to you in this way: when you
2 came to a particular age, were you moved from the
3 nursery into another part of the building?

4 A. Yes, I don't know why, if it was the age or what but,
5 yes, we were moved.

6 Q. If I take you to your statement at page 0308. This is
7 at paragraph 24. Again, if you look at your statement
8 in front of you, and turn over to page 4. You tell us
9 at paragraph 24 in your statement that:

10 "I moved into a different dormitory in another
11 building which was under the charge ..."

12 We know that was Sister BAA . Do you remember
13 that?

14 A. Yes.

15 Q. Can you remember what age you were at that time?

16 A. I think I was six. Five or six.

17 Q. At that time then when you moved to this part of the
18 building, how were you addressed? How would someone
19 speak to you? How would a nun speak to you?

20 A. In what manner?

21 Q. Were you referred to as [redacted] or --

22 A. [redacted] [name redacted].

23 Q. So far as Sister BAA is concerned you talk about
24 her in paragraph 27, just on that same page. What you
25 say is:

1 "The nuns addressed me as [name redacted] or [REDACTED]
2 [name redacted], except Sister BAA who called me
3 [REDACTED] "
4 Do you see that?
5 A. Yes.
6 Q. Do you remember that?
7 A. Yes.
8 Q. I think you thought that you might have been her
9 favourite, is that right, at that time?
10 A. I did, yes.
11 Q. Do you have any sense as to how many children were in
12 that particular area that was under the charge of
13 Sister BAA ?
14 A. I think there were 16. About 16.
15 Q. Of a similar age?
16 A. Up to about 10/11.
17 Q. So from round about perhaps 5 or 6 up to 10 or 11; is
18 that what you think?
19 A. As my memory goes, yes.
20 Q. Did this area have a name?
21 A. That was Kentigern House.
22 Q. You do say on page 4 of the statement that so far as the
23 food was concerned, it was pretty bad.
24 A. Yes, I think my favourite thing was jam sandwiches.
25 Kids like jam sandwiches, you know what I mean, but

1 I just remember, particularly the fish dishes, they
2 tended to get thrown behind the kitchen units or in your
3 pocket.

4 Q. Why not just leave it on the plate?

5 A. You couldn't do that.

6 Q. Why couldn't you do that?

7 A. You would get a hiding.

8 Q. Did that happen to you?

9 A. Yes, yes.

10 Q. If you weren't able to hide the food that you couldn't
11 eat, would you have to eat it?

12 A. Yes.

13 Q. Can I ask you a little bit about birthdays and Christmas
14 because you do tell us a little bit about that in your
15 statement. As far as your birthday was concerned, was
16 that celebrated?

17 A. No.

18 Q. If you -- when did you actually find out when your
19 birthday was?

20 A. When I was in St Vincent's I think I was 9 or 10.

21 Q. I think the position is that you were in Smyllum for
22 about two years or so; is that correct?

23 A. No, it was longer than that.

24 Q. I'm sorry. I will just get the dates for you. Sorry,
25 your move to St Vincent's that you mentioned in

1 [REDACTED] 1965, does that make more sense?

2 A. Yes.

3 Q. So you were aged about 7 or so by then?

4 A. I was 6, nearly enough 7.

5 Q. We will look briefly at St Vincent's later but
6 St Vincent's was also -- if I use the word "run" -- by
7 that, I mean it was the same Order of nuns that were
8 there.

9 A. Yes.

10 Q. Can I ask you then about Christmas when you were at
11 Smyllum? Again, you tell us a little bit about this in
12 your statement. Did you get toys for Christmas?

13 A. I remember one Christmas in Kentigern house I went into
14 the room and there were chairs along the walls and they
15 had presents on them and you got sent to a chair. I am
16 not 100 per cent sure, but I believe they were from the
17 Celtic players, I believe.

18 Q. Did you get a toy or a presents?

19 A. Yes. I have a clear memory of this little -- like
20 a little motor home that you could put in water in and
21 it had batteries and it would move.

22 Q. And what happened to it?

23 A. I don't know. I got up the next day and it had gone.
24 There was nothing there.

25 Q. Do you know what happened?

1 A. No.

2 Q. So far as schooling at this young age was concerned, was
3 there a school connected to the premises that you were
4 able to attend?

5 A. Yes.

6 Q. How did you find school?

7 A. Yes, it was okay. The teacher, she seemed like a nice
8 teacher.

9 Q. Was the teacher a nun or a layperson?

10 A. It was a layperson.

11 Q. Were there nuns also involved in the teaching of
12 children, as far as you are aware?

13 A. Not in my class, no.

14 Q. You do tell us from paragraphs 35 onwards in your
15 statement about physical abuse that you suffered. Can
16 you tell us about that? What was the physical abuse
17 that you suffered at Smyllum?

18 A. It was just beatings. Just normal hidings. Beating.
19 I don't know.

20 Q. Well, who would do the beatings?

21 A. It was generally nuns. There was one time when
22 BAC -- I think BAC -- he hit me that
23 hard he knocked me clean off me feet and ...

24 Q. Was BAC someone who worked at Smyllum?

25 A. Yes.

1 Q. Is he some sort of [REDACTED] who was on the premises?

2 A. Yes, I think he was something like a [REDACTED]

3 Q. Can you give me some examples as to why you would get

4 a beating?

5 A. Wetting the bed, not eating your food, coming in dirty.

6 Q. What would the nature of the beatings be? Can you give

7 us some assistance on that? What would be involved?

8 A. It was mostly kind of head stuff you know (indicates).

9 Q. You are moving your hand, showing a slapping motion?

10 A. Yes.

11 Q. You are talking about yourself. What about other

12 children? Did you see anything happen to other

13 children? (Pause). Would you like a short break,

14 David? Are you okay?

15 LADY SMITH: We could have a break at this point David if it

16 would be helpful; shall we do that?

17 A. I'm all right.

18 LADY SMITH: What would be easiest for you?

19 A. To carry on. Let's get this over with.

20 MR MacAULAY: I think I had asked you about whether you saw

21 anything happen to other children, David. Can you help

22 me on that?

23 A. You would see people getting hit. It was just normal.

24 You wouldn't really take any -- you were just kind of

25 glad it weren't you.

1 Q. Hit in what way?

2 A. Same way. Round the head. Just grab you and swing you

3 round. It was meant -- you know, it was meant to hurt.

4 Q. And who did this?

5 A. Nuns.

6 Q. On one or two occasions you have mentioned wetting the

7 bed and you do tell us -- you do give us some detail

8 about that in your statement. If you turn to page 6 at

9 paragraph 36. What about you yourself? Did you on

10 occasion wet the bed when you were in this dormitory?

11 A. I wet the bed up until about 7 years old.

12 Q. Was that a regular occurrence or was it just now and

13 again?

14 A. Wetting the bed, it was all the time. All the kids did.

15 All the kids did.

16 Q. And what happened then? Can you just tell me what

17 happened if that -- if you wet the bed?

18 A. What, in Smyllum?

19 Q. Yes.

20 A. You got -- I remember having the sheets round me neck.

21 You were put in a cold bath. You just got your normal

22 slapping.

23 LADY SMITH: Tell me a bit more about this sheets round the

24 neck. What's your memory of that? Where were you?

25 What was happening at that time?

1 A. That was in the nursery part. It is the smell. You
2 still kind of remember the smell. Just like now, I'm
3 thinking, what did that achieve?

4 LADY SMITH: Were you standing up or sitting down, in your
5 memory, when you had the sheet around your neck?

6 A. You were stood in line -- you were in line to go
7 everywhere. You were stood in line. You had to go and
8 get your wash. I don't remember washing me neck though.

9 MR MacAULAY: If you look at what you say in your statement
10 at paragraph 36 -- I don't know if you have that page in
11 front of you David -- when you say you got a kicking if
12 you wet the bed, the nuns would slap, punch and kick
13 you. You say that probably caused the bed-wetting. Is
14 that an accurate description as to what happened?

15 A. Yes.

16 Q. The kicking aspect about that, can you tell me a little
17 bit about that?

18 A. It would generally be round your legs, unless -- if you
19 went down -- you know, if they have got you in the swing
20 and you went down, it would just be where you are.

21 Q. Are you sort of envisaging there that you have been
22 knocked to the floor; is that right?

23 A. It was not knocked to the floor; they would get you by
24 the shoulder and (indicates) and kind of throw you.

25 Q. And you would fall down?

1 A. If you went down you were going to get a -- you just
2 curled up in a ball.

3 Q. I'm sorry?

4 A. You just curled up in a ball.

5 Q. Why did you do that?

6 A. It tended not to hurt as much.

7 Q. Were you being kicked?

8 A. Yes.

9 Q. How long -- give me some idea as to how long one of
10 these episodes might last?

11 A. These were quick. I mean, to me now, these were rages.

12 Q. Was there any particular -- were there any particular
13 individuals who behaved in this way?

14 A. I spent a lot of time with Sister BAA there. Yes,
15 sister -- it is weird I still -- I kind of have good
16 memories of her and all, do you know what I mean?

17 Q. I think you explained to her Ladyship that you would
18 keep the sheets round your neck while you waited in the
19 line; is that right?

20 A. Yes.

21 Q. And you would wait in the line so you could get washed?

22 A. Yes, washed and dressed.

23 Q. What happened to the sheets?

24 A. I can't remember. I presume somebody took it off or you
25 put it somewhere.

1 Q. So far as you were concerned, David, looking to your
2 time in Smyllum, when you said you wet your bed until
3 you were aged 7, was this a regular occurrence for you?

4 A. Yes.

5 Q. Was it something you would expect in the morning when
6 your bed was wet?

7 A. Yes, it was no big surprise.

8 Q. And you are telling us about your own experience.
9 I think you said there were other bed-wetters as well;
10 is that right?

11 A. Yes.

12 Q. Looking to numbers, are you able to give me any idea as
13 to how many would be in the line that was waiting to be
14 washed?

15 A. I can't. Not numbers, no.

16 Q. Would you each have a sheet round your neck?

17 A. The ones who wet the bed, yes.

18 Q. You also mention, I think, an incident involving a big
19 table that something happened, you were tapping on the
20 table or something; do you remember that?

21 A. The big table ... yeah, you know that wooden thing that
22 pulls -- I think it was for sleeves -- making clothes or
23 something -- you know, you are there, just tapping it
24 like that.

25 Q. So you were tapping this part of the table?

1 A. Yes.

2 Q. And what happened?

3 A. I just got a hiding. That wasn't Sister BAA

4 Sister BAA wasn't in that part then.

5 Q. What sort of hiding did you get?

6 A. Slaps, you know, just to the head. I know it sounds

7 trivial, but when you are like four years old, and

8 an adult is slapping you as hard as they can, it hurts.

9 You cower, you are frightened -- in fact, you are

10 terrified.

11 Q. Were you crying?

12 A. I will have been, yes. You scream. You scream.

13 Q. Did you hear others screaming?

14 A. Yes.

15 Q. How common an occurrence was that?

16 A. I couldn't answer you honestly. If you see a kid

17 getting hit now, it is an automatic response to scream

18 and cower. It was no different then.

19 Q. You have already mentioned in passing the Santa episode.

20 If you don't mind, can I ask you a little bit about

21 that?

22 A. Yes.

23 Q. Were you in Sister BAA's dormitory at that time or

24 were you in the nursery?

25 A. I was at the nursery.

1 Q. This is your first memory I think you said?

2 A. This is the room where the big table was.

3 Q. What happened at this time?

4 A. Somebody came in dressed as Santa at the far end of the

5 room. I had never seen Santa before. I might have had

6 too much to eat or something, I don't know, but I think

7 I was frightened and I threw up. We were all sat along

8 the walls and I just threw up between me legs and this

9 female member of staff, she just grabbed me one-handed,

10 lifted me up, and just threw me to the middle of the

11 floor and started -- just started getting into me.

12 Q. Can you just describe it a little bit, what did she do

13 to you?

14 A. She just picked me up again and just started swinging me

15 about and hitting me -- just holding me by one shoulder

16 and just hitting me as hard as she could. I presume it

17 was as hard as she could.

18 Q. Do you know what age were you at that time?

19 A. I think I was four. I think I was four.

20 Q. This wasn't a nun, this was one of the female staff?

21 A. Yes. She was a [REDACTED] woman.

22 Q. I think you tell us in your statement that

23 Sister [REDACTED] BAA left and she was replaced by

24 a Sister [REDACTED] BAB .

25 A. Yes.

1 Q. What was she like?

2 A. Strict.

3 Q. Can you elaborate upon that?

4 A. I came back -- we had been out playing most of the day.

5 I came back dirty, me trousers were dirty. She made me

6 take them off, wash them, put them in the drying room,

7 and I had to stand there until they were dry.

8 Q. And did you do that?

9 A. Yes.

10 Q. If you look at your statement again, David, this is at

11 paragraph 39 where you are talking about Sister [BAB]

12 replacing Sister [BAA]. You go on to say that:

13 "Luckily, I didn't have long with her as she came in

14 shortly before I got moved to Newcastle. She was apt to

15 give you a good kicking."

16 Do you see that?

17 A. Yes.

18 Q. Was that the position?

19 A. As my memory goes, yes.

20 Q. Do you know why she would kick you?

21 A. It is just how it was.

22 Q. You already mentioned [BAC] Can I ask you

23 about him? Did you have much contact with him during

24 your time at Smyllum?

25 A. He was around all the time. There was -- just before

1 the little, like, underpass thing. If you are looking
2 at the underpass, there was a garage to the right,
3 underneath Kentigern's accommodation part. He used to
4 be there with a little van. That's why he slapped me;
5 he thought I had punctured his tyre.

6 Q. Is that the time when he hit you that you came off the
7 ground?

8 A. Yes.

9 Q. Did you ever see him hitting anyone else?

10 A. I can't remember to be honest.

11 Q. So far as you are concerned then did he only hit you the
12 once?

13 A. Yes.

14 Q. I want to ask you about a section in your statement
15 where you talk about what is headed in the statement
16 as sexual abuse. If we turn to paragraph 57, that's on
17 page 10. You begin that paragraph 57 by telling us
18 that:

19 "Sister BAA used to come and get [you] out of
20 bed at night and take me to her room."

21 Do you see that?

22 A. Yes.

23 Q. Do you remember this?

24 A. Yes.

25 Q. Can you tell me a little bit about that? What was going

1 on here?

2 A. She would just get me and start talking about wetting
3 the bed and tell me to get my penis out and she would
4 have it in her hand and she would be kind of rubbing her
5 thumb on it.

6 Q. Did she speak to you when she did this?

7 A. Yes, about wetting the bed, yes.

8 Q. Anything else that you can remember?

9 A. "Do you play with this?" Was that her?

10 Q. Did this happen once or more than once?

11 A. No, it was more than once.

12 Q. And how often do you think, looking back, this happened?

13 A. I can't tell you exactly. It happened a few times.

14 Q. Was it the same sort of things that were being said?

15 A. Yes, the same routine.

16 Q. You tell us in that paragraph towards the end that
17 sometimes she would say things like that, "You will go
18 to Hell"; do you remember that?

19 A. Yes, that was part of the "Do you play with it?"
20 I don't know any 7-year-old kid who knows -- who enjoys
21 masturbation.

22 Q. Yes. You give us another episode, I think, in
23 paragraph 58 in connection with -- this is a member of
24 staff. Can you help me with that. What happened here?

25 A. The two clear times that I remember: once she took me up

1 to the bedrooms --

2 Q. Who is this, this is a member --

3 A. A female member of staff.

4 Q. You don't know her name?

5 A. I don't know her name, no. She must have been [REDACTED]
6 tall, [REDACTED] ski pants. Anyway, she took me up to
7 the bedrooms to help change the beds, and she would sit
8 on the end of the bed, opened her legs, and she had
9 a split in her ski pants. She told me to get my penis
10 out and put it in there and go in and out. To be fair
11 I can't actually remember any penetration but -- I can't
12 remember any penetration. She would lay back on the bed
13 and would just say, keep going in and out. There was
14 one time when we went up there that this lad, one of the
15 bigger lads, walked in and interrupted us. She pushed
16 me off and started giving me a scolding for having me
17 penis out and I was just like, "What?"

18 Another time when we were coming back from the same
19 dormitories, there was a kid called [REDACTED] He must have
20 been a couple of years younger than me. We were talking
21 about doing it, having sex, and she said, "[REDACTED]'s done
22 it naked, do you want to do it naked next time?" and
23 I was like, "Yeah, yeah, yeah".

24 The other time was when we went up -- they used
25 to -- where the square was with the roundabout, as you

1 were entering the square or just before you entered it,
2 there was some stairs up with a cast iron handrail. At
3 the top of there, there was a room that was used for the
4 sewing room, and next to the sewing room was the
5 television room.

6 For some reason, I went in the sewing room and she
7 was sat on a chair because she was using a sewing
8 machine, and she pulled me in, got me penis out, and
9 just more of the same really.

10 Q. You say she pulled you in and got your penis out?

11 A. Yes, she had the same ski pants on. It must have been
12 the only pair of pants she had. Just the same, except
13 not on the bed, just in the chair.

14 Q. How often do you think this sort of incident happened
15 with her?

16 A. They are the times that I can remember clearly. I know
17 she had taken me to bed -- I thought there was a -- near
18 the television there was a hot pipe on the floor -- it
19 must have been the heating system -- and I had fallen
20 asleep with me head on it and she took me to bed because
21 I woke up the next day and I said to her, "How did I get
22 to bed?" and she said, "Oh, I took you".

23 Q. She put you into your own bed?

24 A. Yes, I mean I don't know if anything happened then.

25 LADY SMITH: Mr MacAulay it is 11.30 am.

1 MR MacAULAY: Yes, we usually have a break here.

2 LADY SMITH: Shall we break here? We always break in the
3 middle of the morning so we will do that just now,
4 David, for about 15 minutes and start again at 11.45 am.
5 Thank you.

6 (11.35 am)

7 (A short break)

8 (11.50 am)

9 LADY SMITH: Mr MacAulay.

10 MR MacAULAY: My Lady.

11 David, you told us at the beginning of your evidence
12 that when you were admitted to Smyllum you were also
13 admitted along with a number of your siblings; is that
14 right?

15 A. Yes.

16 Q. Over your time in Smyllum, before you were moved to
17 Newcastle -- and we will talk about that shortly -- did
18 you have much contact with them?

19 A. AAG came into --

20 Q. Carry on.

21 A. One of them came into Kentigern with me.

22 Q. On a camping trip?

23 A. Into --

24 LADY SMITH: That's Kentigern where you were at Smyllum.

25 A. Yes?

1 LADY SMITH: That is the name of the house you were in; is
2 that correct?

3 A. Yes. I did see the others from time to time. The only
4 kind of memory I have of me big sister was we was stood
5 near this wrought iron gate. I was with Sammy Carr and
6 these two girls introduced themselves as my sisters.
7 That was the last time I ever saw her; I have never seen
8 her since.

9 MR MacAULAY: You mentioned earlier also the social worker
10 that I think took you to Smyllum. You mentioned
11 Mr Miller.

12 A. Yes.

13 Q. I think he did visit you from time to time when you were
14 at Smyllum.

15 A. Yes, he used to come down.

16 Q. You tell us in your statement in fact that you have fond
17 memories of Mr Miller.

18 A. Yes, he was a nice bloke. He was a nice person.

19 Q. You looked upon his visits as fun times; is that right?

20 A. Yes, it was -- looking back it was the only time I had
21 any proper interaction with an adult. You know, he
22 didn't mind me and my younger brother having a bit of
23 rough and tumble with him when he was sat on his seat,
24 like little lads do. He had a contagious smile with his
25 big moustache. He was just -- I don't know, he was just

1 nice.

2 Q. He visited you at Smyllum and I think he also visited
3 you when you went to Newcastle.

4 A. Yes.

5 Q. I think I'm right in saying that he was really acting on
6 behalf of the Greenock and Port Glasgow Social Work
7 Department?

8 A. Yes.

9 Q. So that was the department that had really originally
10 put you into Smyllum in the first place?

11 A. Yes.

12 Q. I needn't take you to his notes, and I think you have
13 actually seen your own social work records, is that
14 right, in the past?

15 A. Yes.

16 Q. For example, we see entries saying, probably by him:
17 "Visit made, children seen, and all looked happy and
18 healthy."

19 You remember these comments in the records?

20 A. Yes.

21 Q. Would you present to him as a happy child?

22 A. Well, while he was there you know it was just him, it
23 was his visit, it was a fun time. He was just fun to be
24 around.

25 Q. But did you ever tell Mr Miller anything that was

1 happening to you at Smyllum?

2 A. He never asked. Nobody ever asked.

3 Q. And you never mentioned anything to him?

4 A. No.

5 Q. If I go back to your statement on page 12, at the bottom

6 there you tell us, at paragraphs 67 and 68, what you

7 have just been telling us about his visits. But you do

8 suggest that I think one your brothers may have

9 mentioned something to Mr Miller at some point; is that

10 correct?

11 A. When he was leaving care, he told Mr Miller what had

12 been happening. He said to me --

13 Q. This is your brother?

14 A. Yes. Mr Miller said, "I know. Other people have been

15 telling me stuff."

16 Q. Can I move on and just look quickly at your time at

17 St Vincent's in Newcastle then. I think you were

18 actually taken to St Vincent's by Mr Miller; is that

19 right?

20 A. Yes.

21 Q. You were taken there along with your three brothers?

22 A. Yes.

23 Q. This was in [REDACTED] 1965. So you would be about 7 or

24 thereabouts, without looking at the detail?

25 A. Yes.

1 Q. Were you actually told why you were being moved to
2 Newcastle?

3 A. No.

4 Q. But did you see in your records what was being suggested
5 as why you might have been moved?

6 A. There was -- you would have supervision from men down
7 there. It was along that lines.

8 Q. Sorry, could you repeat that?

9 A. That you would have supervision from men down there.

10 Q. I will perhaps take you to this section in your social
11 work records. I will put it on the screen for you
12 David. It is at INC.001.001.0770. Has it come up for
13 you?

14 A. Yes.

15 Q. You are lucky!

16 A. It's gone.

17 LADY SMITH: You are ahead of us, David. Right. We have it
18 now.

19 MR MacAULAY: We see the date up there, [REDACTED] 1965. If we
20 move down a little bit, an inch or two, can we read:

21 "The family situation was discussed very fully with
22 Sister ... It was suggested, in view of previous
23 requests for a male aspect to come to the picture, that
24 the [REDACTED] boys be considered for transfer to St Vincent's
25 in Newcastle."

1 I think that may have been your recollection as to
2 what was in the records as to why you were being
3 transferred.

4 A. Yes.

5 Q. But as it happened, in fact, was St Vincent's also being
6 run by the same Order of Sisters?

7 A. Yes.

8 Q. I think it was a much smaller establishment than
9 Smyllum; is that correct?

10 A. It wasn't as expansive. I think there was actually more
11 children in St Vincent's.

12 Q. Can I take you to your statement on this matter. That's
13 at -- this is WIT.001.001.0317 on page 13.

14 What you say there at paragraph 71, just moving
15 down, is:

16 "St Vincent's was run by the Sisters of Charity
17 nuns. There were five nuns and four male staff
18 initially."

19 That's the number of nuns is it? Five nuns?

20 A. Yes, it was four houses, one nun to each house, one
21 female member of staff to each house, and a mother
22 superior.

23 Q. You go on to say in that statement in fact:

24 "It was actually just another place run by
25 psychopaths."

1 That's what's in your statements. What do you mean
2 by that?

3 A. Just it was crazy.

4 Q. Can you just describe what you mean?

5 A. Just -- I can give you an example. Sister [AFB] we
6 were stood waiting to go into the washrooms. I must
7 have said something out of line, she got me, pinned me
8 up against the wall with her forearm, with a bread knife
9 at my throat, threatening to kill me. I genuinely
10 thought I was going to die then. I was screaming.

11 Q. That's one particular example. Are there any other
12 examples that you can remember now?

13 A. Sister [IAC], she was ... At night she would come --
14 we would all wet the bed again, she would get little --
15 she would get the youngest kid, pick him up one-handed,
16 drop him, and kick him as he hit the floor. Then she
17 would get the rest of us up -- and she used to wear
18 these really pointy shoes and, man, could she get it
19 right up your anus when she kicked you, and that didn't
20 half hurt. Every night. That was taking us to go to
21 the toilet. I don't know what time. Presumably before
22 she went to bed. She just would hit you, I don't know,
23 for the fun of it. I was in the boiler house once --
24 first time I had been in the boiler house -- the boiler
25 must have clicked on and I got a fright, and she had the

1 big key to open the door and she just turned and hit me
2 straight on the forehead with it. There was blood
3 coming down and I was -- yeah, that hurt.

4 Q. I think you tell us about these incidents in your
5 statement.

6 A. Yes.

7 Q. You already mentioned Sister AFB. Was there another
8 Sister BAB that you remember?

9 A. That was Sister AFB from St Vincent's; the other one
10 was in Smyllum.

11 Q. These are two different --

12 A. Yes, two different nuns.

13 Q. How often did you suffer the kind of abuse you have been
14 telling us, physical abuse of the kind you have been
15 telling us about when you were at St Vincent's?

16 A. It was pretty routine.

17 Q. And what about other children?

18 A. Yes.

19 Q. And who were the main perpetrators?

20 A. I would mostly say Sister IAC doing it while I was
21 in what they called little dorm.

22 Q. You give us a description of Sister IAC on page 16,
23 if I can take you to that part of your statement at
24 paragraph 92. What you say is:

25 "Sister IAC, who was in the little dorm, was off

1 her trolley. She was really violent."

2 You thought she may have had mental health problems.

3 A. Well, I look at myself and how things left me and I look
4 at the rage I have carried for years. It started off as
5 a defence mechanism and it grew. It's just like, bang,
6 you get violent, finish it, and that's it, forget it.

7 That's exactly how they behaved.

8 Q. What about sexual abuse at Newcastle? Did you
9 experience any sexual abuse?

10 A. Yes, yes.

11 Q. Can you tell me a little bit about that? I do
12 understand there's one thing you do not want to discuss,
13 but -- so you don't have to if you don't want to.

14 A. Yes, we got -- somebody, I am sure she worked or she was
15 a volunteer in St Vincent's. She took us to her
16 parents' house. When we got there, I remember that they
17 had a little terrier of sorts, or a little Scottie, and
18 it started barking at me and my little brother. We
19 jumped on this little pouffe-y thing, to try and get
20 away from it. The father or her husband came and took
21 the dog for a walk. He didn't look very happy. Anyway,
22 when he went out, the younger one took AAG to one
23 armchair and the older one took me to another armchair,
24 we both had our penises out and I know something
25 happened, but all I remember is turning away and being

1 frightened and I looked -- and AAG has having sex with
2 the other one. I said it again --

3 Q. Do you know what age were you at the time David?

4 A. About 8. 8, 9.

5 LADY SMITH: David, can I just reassure you that I gave
6 an instruction this morning that nothing that could be
7 used to identify you can be publicised.

8 You think you were about 8 or 9 at this time or just
9 after you had gone to Newcastle?

10 A. It must have been a year or so -- when I went to
11 Newcastle it was the overlap of the English and Scottish
12 school holidays. I actually started in the third year.
13 I went down there and joined the third year of junior
14 school. I was 7 in [REDACTED] so I was 6 when I went
15 down.

16 LADY SMITH: Okay. If it was third year of junior school,
17 it would be about that age, maybe a bit -- it doesn't
18 actually really matter terribly.

19 A. It was a little bit later because we moved from the
20 little dorm's living room and we were up in blue wing's
21 living room.

22 LADY SMITH: Okay.

23 A. I don't know why we were up there, but we were up there.

24 MR MacAULAY: We can leave that there just now, David. But
25 you do tell us about an incident where you were examined

1 by -- a group of children were examined by a doctor.

2 What was the background to that examination?

3 A. At the time, we were just lined up near the snooker

4 table by the front door entrance, just outside the

5 chapel.

6 Q. A number of boys?

7 A. Yes. You went in, you stood against the wall, you were

8 told to drop your pants. Your cheeks were parted, the

9 doctor looked, and you were told pull your trousers up

10 and go.

11 Q. Do you know what the background to these examinations

12 were?

13 A. I found out since, yes.

14 Q. What have you found out?

15 A. Well, my two older brothers were buggered by two blokes

16 who used to do voluntary work there. Do you want their

17 names?

18 LADY SMITH: We don't need the names.

19 A. They were both [REDACTED] anyway. One of them was being

20 interfered with by the [REDACTED]. He subsequently had

21 a fight with the [REDACTED] beat him up, and was taken to

22 a borstal in Scotland.

23 Q. That's one of your other brothers?

24 A. Yes. That sticks in me throat, that we were never given

25 due process. The kids in homes never got due process.

1 It never went to court; it was straight to borstal.

2 Q. You also, I think, give us information -- and we needn't

3 look at the detail of it -- about some sexual activity

4 amongst the children themselves at St Vincent's.

5 A. Yes. It was the same as Smyllum Park. It was rife.

6 I don't know -- call it doctors and nurses, if you want,

7 but it was a bit advanced. There was no actual

8 intercourse.

9 Q. Looking at your contact with your family, you have told

10 us about the brothers that went with you to St Vincent's

11 when you were taken there by Mr Miller. But did you

12 also have another [REDACTED] brothers who subsequently came to

13 St Vincent's?

14 A. Yes. They joined -- they came down later.

15 Q. Had they been at Smyllum?

16 A. Yes.

17 Q. But they had been there after you had been?

18 A. Yes.

19 Q. Had you met these brothers before?

20 A. No.

21 Q. I think you have already said that Mr Miller also came

22 to see you when you were at St Vincent's.

23 A. Yes.

24 Q. I could deal with this, I think, quite briefly. I think

25 when you are about the age of 12 you went onto

1 a training ship called the Arethusa; is that right?

2 A. Yes.

3 Q. Again Mr Miller was involved in that; is that correct?

4 A. Yes.

5 Q. What was that about?

6 A. I had asked to go -- one -- some of the older boys had

7 gone. I just thought it might be nice to go.

8 Q. I think -- we needn't look at your records, but I think

9 according to your records you joined the ship in about

10 [REDACTED] 1971; would that be about right?

11 A. Something like that --

12 Q. So you would be aged possibly 13 or thereabouts?

13 A. Yeah, 12/13.

14 Q. I think you were there according to the records until

15 sort of [REDACTED] -- late 1972?

16 A. Was I there -- two years was I there?

17 Q. Yes, almost two years. Were you then admitted to

18 a hostel called [REDACTED] Newcastle?

19 A. Yeah.

20 Q. I think you provide us in your statement -- we are not

21 going to look at the detail of this -- with how things

22 were in the hostel.

23 A. Pardon?

24 Q. I think you provide us with some information in your

25 statement about [REDACTED]

1 A. Yes.

2 Q. I now want to go back, David, if I may, to an incident
3 you tell us about in your statement involving a boy you
4 have already mentioned and that is Sammy Carr. Are you
5 prepared to tell me a little bit about that?

6 A. I was around the area where the little roundabout was,
7 in that square, just kind of this side or the other side
8 of the steps of the iron handrail. There was a -- well,
9 it looked big to me at the time -- there was a big
10 retaining wall. Sammy came up to me and he had
11 something in his hand.

12 Q. Can I stop you there: what age were you at this time?

13 A. I think I was 6.

14 Q. Was Sammy a little bit --

15 A. Sammy was the same age as me.

16 Q. Same age as you?

17 A. We both kind of leant on this wall. He was a bit giddy.
18 He always was.

19 And I said, "What's that Sammy?" And he said, "It's
20 a match". And it was the first time I had seen a match
21 and I said, "what does that do, what is that?" He said,
22 "Watch, I will light this piece of cloth, and grab it
23 really quick and let go really fast". So he lit it --

24 Q. And you were holding the cloth?

25 A. No Sammy was holding the cloth. He had the match and

1 was holding the cloth. All I can presume is some of the
2 bigger lads had shown him how to do this. So he lit the
3 cloth, he said, "Grab it right fast, let go as fast as
4 you can", so I grabbed it and unbeknownst to us the
5 cloth was pink and it was that -- remember when nylon
6 first came out in cloth form, it was pink, I don't know
7 if you remember it. Well, it just stuck to me hand.

8 LADY SMITH: It is the sort of material that had a lot of
9 static electricity?

10 A. Yes. I just started screaming. It was just a bit
11 unfortunate that at the same time Sister BAA came
12 round the corner and said, "What's wrong?" And I have
13 got -- you know when you burn yourself, you kind of grab
14 your wrist, don't you, I don't know why you do that, but
15 you do. I had my wrist like that (indicates), kind of
16 crouched over. I said, "Sammy's burnt me hand, Sister".
17 Well, she just grabbed him, swung him round, started
18 hitting him, punching him. At some point I went to me
19 knees with my hand still like this (indicates) and when
20 I looked up, Sammy was on the floor and she was --

21 Q. Just take your time.

22 LADY SMITH: It is okay; just tell us what you remember.

23 A. She was kicking into him. And it was upper body, his
24 head.

25 Q. What happened then?

1 A. I had to go ... I had to go lay on top of him, I covered
2 his head and the top of his body and I said, "Please,
3 Sister, please don't hurt Sammy". Why would ...

4 LADY SMITH: You said Sammy was a friend of yours, the same
5 sort of age, was he, David?

6 A. We used to play all the time. I just don't understand.
7 We know people do it, but I do not understand why people
8 do that to kids.

9 MR MacAULAY: But it stopped?

10 A. It stopped when I lay on top of him.

11 Q. Can you remember what happened after that?

12 A. She took us both up to the sewing room and put this
13 brown stuff on me hand.

14 Q. What about Sammy, how was he?

15 A. He went up the steps in front of me and he just turned
16 round and looked at me and give me a kind of half smile
17 and I just give him a half smile back.

18 Q. Did he, so far as you are aware, at that time, get
19 any -- need any treatment for anything that had happened
20 to him?

21 A. No.

22 Q. Did you see Sammy after that?

23 A. Next time I saw him, he was in the sick room.

24 Q. Do you know how long after the incident you have told us
25 about with Sister BAA that was?

1 A. I don't know. I don't have a clear recollection of the
2 time span. Sammy's [REDACTED] told me that from Sammy --
3 this happening to Sammy to him being in a coffin was
4 like four days.

5 Q. We know from our own enquiries that Sammy was in
6 hospital for about ten days before he died, but you
7 don't have any clear recollection in any event as to the
8 timescale between the episode with Sister [REDACTED] BAA [REDACTED] and
9 when Sammy was in the sick place?

10 A. No. That was -- it was soon after that because I hadn't
11 seen him from this happening, from going up the steps,
12 to him being in there. I hadn't seen him.

13 Q. But did you go and see him when he was in the sick room?

14 A. My eldest brother said, come on, Sammy is in here. So
15 I went. At first I looked through the window and I'm
16 kind of like that (indicates).

17 Q. You were waving to him?

18 A. Yes, not knowing he is not well. Me brother says, come
19 on, we went inside and he says, "Show him, Sammy, show
20 him". So he got -- Sammy got his penis out and he let
21 a little bit of urine go and there was blood in it.
22 I said, "Ew, what's that?"

23 Q. And then do you remember Sammy being taken away from
24 Smyllum after that?

25 A. Yes, the ambulance came. There was two people with the

1 ambulance and I remember Sammy was wrapped in a red
2 blanket, with his head on somebody's shoulder and that
3 was the last I saw of him.

4 Q. I think after that did you attend --

5 A. That was the last I saw of him alive.

6 Q. But did you see him again at some point after that?

7 A. We were all lined up, taken into the chapel, and we all
8 had to go past his coffin. When I got there, I just
9 thought he was playing a joke on them. As I went past
10 I said, "What are you doing in there Sammy?" because you
11 don't know about death then.

12 Q. This was his funeral that you went to?

13 A. Well, I presume it was.

14 Q. Do you remember after that being taken to a graveyard by
15 Sister BAA ?

16 A. Yes.

17 Q. What was that about?

18 A. I don't know. I don't know what it was about. We went
19 down -- there was quite a lot of headstones, I think it
20 was -- I think it was third row up and it was like
21 halfway and she just stood there and there was this new
22 plot. She must have said, "Sammy's there", because
23 I said to her, "What's Sammy doing there?"

24 Q. Of course you were only 6 at the time?

25 A. Yes.

1 Q. So you didn't have a real understanding as to what was
2 going on, is that the position?

3 A. (Nods)

4 Q. Can I very briefly then touch upon life after care and
5 I don't want to go into much of the detail but I think
6 you ended up going back -- going to live with your
7 mother for some time in Newcastle; is that right?

8 A. Yes, we call her [REDACTED]

9 Q. Pardon?

10 A. We call her [REDACTED]

11 Q. You were with her for a while anyway and I think you say
12 you had to go to court and the judge told you had two
13 options: prison or the army.

14 A. Yeah, I got into a bit of a scrape. It was only
15 a little iron bar. It was prison or the army.

16 Q. And you went into the army?

17 A. I had sat the entrance exam before this happened.
18 I thought the army would be better than prison.

19 Q. And you served in the [REDACTED] I think, for some
20 six years.

21 A. Yes, six years.

22 Q. Can I take you to page 22 of your statement then David
23 where you give some insight to us in relation to the
24 impact of your experiences. You may have touched upon
25 this already but what you say there is:

1 "For a long, long time I was just like the nuns: you
2 become the very thing you are fighting against."

3 And you go on to talk about the rage. Do you see
4 that? This is what you mentioned before, is it --

5 A. Yes.

6 Q. -- that you develop this rage?

7 A. It's is your defence mechanisms, they turn on you. It
8 is that self-fulfilling prophecy.

9 Q. Were you eventually, I think, diagnosed as suffering
10 from PTSD?

11 A. Yes.

12 Q. I don't want to look at the details of your
13 relationships, but am I right in thinking that you
14 actually did go into education and managed to get a 2:1
15 degree?

16 A. Yes.

17 Q. What was the degree in?

18 A. It is just community and youth work.

19 Q. I think you say you were 40 when that happened.

20 A. Something round there, yes.

21 LADY SMITH: David, I don't think you need to apologise for
22 studying community and youth work; it is a subject of
23 critical importance.

24 A. I only -- I did it out of anger because I understood why
25 I was where I was and I just thought -- you know, I can

1 do all this -- and so I started off by going to night
2 school to learn how to write. Then I did my City &
3 Guilds in community care practice and then I did
4 a mature student's certificate and it was all just -- it
5 was just sheer stubbornness, just anger.

6 MR MacAULAY: But you are a member now of the Jehovah's
7 Witnesses and you find that's beneficial?

8 A. Yes.

9 Q. Insofar as records are concerned, you told us already
10 you saw some of your social work records. Did you make
11 enquiries about Smyllum records?

12 A. No I just got them off the -- one of the counsellors got
13 them from Greenock Social Services for me. Those were
14 the only ones they could get hold of.

15 Q. If I turn to page 26 of your statement, at paragraph 145
16 you say there:

17 "Smyllum said that they had lost records over time."

18 I just wondered, did you make contact with Smyllum
19 in connection with getting records?

20 A. I think somebody had done it for me. I think it was the
21 same counsellor.

22 Q. David, I do want you or I to read the last few
23 paragraphs of your statement beginning at paragraph 148.
24 Page 27. Would you like to read those paragraphs out to
25 the Inquiry?

1 A. 148?

2 Q. 148 through to 150.

3 A. "I think about all the kids and the things they must
4 have taken from their experiences in those places.
5 I think about the futility of it all and question
6 whether there's a point in growing up and becoming
7 an adult. People have had to battle through their whole
8 lives just to get to where they are and it might not
9 even be a good place. Yet, it could all have been
10 stopped. Things could have been so much better. It's
11 a shame for all those kids. They will never get it
12 back.

13 "You get priests and bishops saying that it's all
14 about money when victims come forward. My reply to them
15 would be that you are right, it is all about money.
16 This is how it all started. The kids were used for
17 financial gain. I don't know how much Social Services
18 paid the nuns to look after us, but we never got new
19 clothes or shoes and the food wasn't that great. Also,
20 there wasn't much in the way of travelling expenses and
21 they didn't employ that many staff, all of whom were
22 young and probably didn't get paid much anyway. They
23 were creaming it off. They weren't doing their job
24 properly and weren't using the money they were given to
25 look after us right. So they are right, it is all about

1 money, but people don't seem to reply to them like that.

2 "I'm coming to the end of the battle, the end of my
3 little war. I would like it to stop. I'm treating
4 giving my evidence to the Inquiry as the last bit I have
5 got to do. I don't think any lessons will be learned.
6 I just want this written down. I don't want my life to
7 be nothing.

8 "When I went to college there was a lot of talk on
9 my course about the harm men do. I was thinking,
10 'That's what women do. They are talking about my life
11 in reverse'. If it is written down, it can't be rubbed
12 out and nobody from a Catholic kirk can claim it's been
13 lost in a fire. It's legal and it's not going to get
14 lost. People will know that I was there and that it
15 happened."

16 MR MacAULAY: Thank you, David. That's all the questions
17 I have for you. No written questions have been
18 submitted, my Lady.

19 LADY SMITH: Thank you.

20 Could I just check with the representatives here.

21 Mr Scott, do you have any applications for questions?

22 MR SCOTT: No thank you, my Lady.

23 LADY SMITH: Ms O'Neill?

24 MS O'NEILL: No, my Lady.

25 LADY SMITH: Ms Van Der Westhuizen.

1 MS VAN DER WESTHUIZEN: No, my Lady.

2 LADY SMITH: Mr Richardson?

3 MR RICHARDSON: No, my Lady.

4 LADY SMITH: And finally Mr Rolfe?

5 MR ROLFE: No thank you, my Lady.

6 LADY SMITH: David, thank you. Those are all the questions
7 we have for you and I'm able to let you go now.

8 A. Thank you.

9 (The witness withdrew)

10 LADY SMITH: Before I ask Mr MacAulay to call the next
11 witness, I want to take this opportunity to remind
12 everybody about the critical importance of respecting
13 the anonymity of those applicants who asked to remain
14 anonymous. You will have noticed that in the course of
15 his evidence David made reference to his own surname and
16 the first name of one of his brothers. Those names must
17 not be repeated outside the hearing room, they must not
18 be publicised or disclosed in any way. I hope that was
19 clear from what I said this morning, but I just wanted
20 to mention it now.

21 Mr MacAulay.

22 MR MacAULAY: My Lady, I now want to call another witness
23 who wants to remain anonymous and wants to use the name
24 "Fergie" in giving her evidence.

25 LADY SMITH: Fergie, good morning. Would you take the oath

1 please.

2 WITNESS AAU -- "FERGIE" (sworn)

3 Questions from MR MacAULAY

4 LADY SMITH: Please sit down and make yourself comfortable.

5 We will need you to speak into that microphone,
6 hopefully it will make it easier for you to speak and be
7 heard. Please don't worry about the typing noise beside
8 you: it is the transcript being typed up as we go along.

9 I will now ask Mr MacAulay to start.

10 MR MacAULAY: Hello, Fergie. I'm the person who is going to
11 be asking you the questions today. You are here to help
12 the Inquiry. As you know, there may be things that
13 I ask you about that you don't remember. If that
14 happens, just please say so, there is no difficulty over
15 that.

16 You have provided the Inquiry with a statement; is
17 that right?

18 A. Yes, that is correct.

19 Q. There may be some things today that you remember now and
20 didn't remember then; again, if that is the case, feel
21 free to tell us.

22 A. Right.

23 Q. I will take you to your statement because I wanted to
24 look at the last page of the statement. There is a copy
25 of it in front of you there, Fergie. For the transcript

1 the number is WIT.001.001.2184. If you turn to the very
2 last page, can you confirm that you have signed the
3 statement?

4 A. Yes.

5 Q. Do you also tell us at paragraph 101, if you just look
6 towards the top of that page, that you have no objection
7 to the statement being published as part of the evidence
8 to the Inquiry?

9 A. That is correct.

10 Q. And also you say:

11 "I believe the facts stated in this witness
12 statement are true."

13 A. Yes.

14 Q. I don't want to ask you for your date of birth, but I do
15 want to focus on your year of birth because it is
16 important for us to get a time frame and I think the
17 year of your birth is 1959.

18 A. That is correct, yes.

19 Q. You were admitted to Smyllum in [REDACTED] 1960; is that
20 right?

21 A. I don't really know when I was in there. I was a baby.

22 Q. You were a baby. I think we know from looking at
23 records that it was in [REDACTED] 1960.

24 A. Right.

25 Q. But as you say, looking at the time frame, you would

1 only be at best one year of age, if that?

2 A. Yes.

3 Q. Am I right in saying that you left Smyllum in [REDACTED] of
4 1967?

5 A. It would be about that time, yes.

6 Q. So you would be 7 or 8 when you came to leave?

7 A. Yes.

8 Q. So far as the time before going to Smyllum is concerned,
9 clearly, if you were so young, you would have no
10 recollection of any life before Smyllum.

11 A. No.

12 Q. Do you have a recollection after you had been at Smyllum
13 of being in the nursery section?

14 A. Vaguely.

15 Q. So what's your first memory then of being at Smyllum, in
16 a particular location in Smyllum?

17 A. The first time recollection I have of Smyllum Park was
18 I just came out the nursery, which would have been about
19 four or five, because I would be getting ready to go to
20 school and so they were down in the telly, where they
21 had the television, and the wee ones went to bed earlier
22 than the older ones. So when I went to bed it was like
23 a different area, you know, for the nursery it was a big
24 dormitory.

25 Q. I should have asked you this before: when you went to

1 Smyllum, I know you wouldn't have a recollection, but do
2 you know now that other members of your family also went
3 to Smyllum?

4 A. I didn't know that I had three brothers and I didn't
5 even know my sister was there until later on.

6 Q. But that's something you found out later on?

7 A. Well, I sort of knew -- I identified with this girl that
8 when my dad came up to see us -- so I knew that there
9 was something there that I recognised but I wasn't quite
10 sure who she was.

11 Q. But she was a little older than you?

12 A. Yes, she was [REDACTED] years older than me.

13 Q. But then when you were moved from the nursery I think
14 you were moved into another dormitory area then is what
15 you are telling us.

16 A. Yes.

17 Q. What sort of age group did that cover, can you tell me?

18 A. Well it would be from 5 to older ones. About 16.

19 Q. So quite a range then.

20 A. Uh-huh.

21 Q. How many would be in the dorm?

22 A. About 20 or 30.

23 Q. Was there a particular sister in charge of that
24 dormitory?

25 A. Yes.

1 Q. Who was that?

2 A. Sister EAC

3 Q. Do you have any recollection of your first time in the
4 dormitory?

5 A. Yes. The first time I was in there, as I said, we had
6 been down watching the telly in the sitting room and
7 then, with me being the age I was, I'd be like one of
8 the first to go to bed. I went to bed because I was
9 upset because obviously it was a new environment. I was
10 used to the nursery. I didn't even know anybody as such
11 and so I was upset, must have fell asleep, and then
12 I woke up in the middle of the night and I went
13 wandering round the dormitory to see if I could find who
14 was my sister that I didn't know at the time. So I was
15 wandering about the dormitory and the other kids were
16 saying, you'd better get back to your bed, but I didn't
17 know what they were talking about at that time. So
18 I just went wandering about and then I found my sister
19 and so I just climbed in and cuddled in beside her and
20 fell asleep and then I remember -- I fell asleep and the
21 next thing I remember was -- I don't know how long I had
22 slept -- just getting dragged out of this bed and of
23 course I was kicking and screaming and I was getting
24 dragged along the dormitory and told that it was not the
25 nursery I was in now and if I done it again I would be

1 punished. My sister was screaming and shouting at this
2 nun and telling her to leave her wee sister alone. So
3 when I to my bed, she just literally picked me up and
4 threw me on the bed and told me if I done it again
5 I would be punished. So I was upset and then I fell
6 asleep.

7 Q. What about your sister then?

8 A. She went out and battered her.

9 Q. What did she do to her?

10 A. She grabbed her out of the bed and started slapping and
11 punching her and telling her to stop interfering and
12 then the next morning my sister got moved to another
13 dormitory and, of course, I had wet the bed.

14 Q. We will come to that later. But the nun who did this --

15 A. Sister EAC

16 Q. Did the area of the building that you were now in have
17 a name?

18 A. Yes, it was Ogilvy House.

19 Q. Was there more than one dorm --

20 A. There was two. The one I was in was the larger of the
21 two.

22 Q. Can I ask you a little bit about the routine -- and
23 I will come back to some other aspects of what you are
24 going to say later. Can you give me some understanding
25 of what the routine is now you are in Ogilvy House?

1 A. You got up in the morning and went and got washed, put
2 your clothes out, got dressed. Then you would go down
3 for breakfast and then you would go to school for
4 9 o'clock.

5 Q. Was that the school that was connected to Smyllum
6 itself?

7 A. Yes, that was the primary school.

8 Q. Bathing. What about having baths and washing and so on?
9 What was the routine over that?

10 A. Well, if you wet the bed, you were dumped in a cold
11 bath, but the normal routine for a bath was a Sunday.
12 And everybody -- the weer ones get the baths first
13 because obviously they were going to their beds earlier
14 and it was just a case of in and out, that was you and
15 off to shampoo your hair.

16 Q. So far as baths are concerned, were you using the same
17 water as the previous person?

18 A. Yes, they never changed it. It was just the same bath
19 water.

20 Q. Was it a normal sized bath you would have in a house or
21 was it something different to that?

22 A. No, they had two baths in that bathroom. And I would
23 say -- well, at my age it looked like a normal bath.

24 Q. At the beginning of the process would the water be hot
25 and clean?

1 A. It was just always warm. It wasn't hot-hot, you know?
2 Whoever was first in got the cleanest bath.

3 Q. How many would use the same bath water?

4 A. Could be anything from ten to 15 between the two baths.

5 Q. I think you tell us about this -- in fact, we have got
6 the statement on the screen, about the routine --

7 LADY SMITH: You have it in front of you there.

8 MR MacAULAY: You also have it in front of yourself.

9 A. It is just that I have got a glare, sorry.

10 Q. You tell us you would stand and wait with a towel around
11 you and use the bath, no other privacy.

12 A. That is correct.

13 Q. What's this business about "any bother and the nuns
14 would use the brush to hit you"; can you tell me about
15 that?

16 A. When you came out the bath, you would be getting dried
17 and like obviously people had hair that was long, some
18 had shorter hair. If you had tugs in your hair, you
19 know, they would be brushing your hair and if you
20 flinched you would just get a belt in the head with the
21 brush and told to sit still.

22 Q. Would this be any particular sister?

23 A. It could be anybody who was in charge at that time.

24 Q. Did that happen to you?

25 A. Yes.

- 1 Q. Once, more than once?
- 2 A. More than once. It was a regular, ongoing thing.
- 3 Q. What about other children?
- 4 A. They would get the same treatment. They didn't
- 5 discriminate in any shape or form.
- 6 Q. Let me ask you about food. Let's look at breakfast.
- 7 Again you discussed that in your statement at
- 8 paragraph 23. Breakfast, you say, was always porridge.
- 9 A. Yes.
- 10 Q. What was your attitude to the porridge?
- 11 A. I hated porridge.
- 12 Q. What happened? What did you do?
- 13 A. Well, if you didn't eat it -- if you can imagine the
- 14 dining room was like big wooden tables, about three
- 15 wooden tables, and it was like wooden benches. So there
- 16 were kids at either side and if you didn't eat your
- 17 porridge, they would just come for you, the back of you,
- 18 and either grab you by the hair or grab you by the chin
- 19 and force the porridge into your mouth. You would be
- 20 gritting your teeth because you didn't like it and they
- 21 would hold your nose because it was the only way you
- 22 would open your mouth because you had to breathe and
- 23 sometimes you were being sick from being forced to eat.
- 24 Q. So I can understand, did this happen to you?
- 25 A. Yes.

- 1 Q. This force-feeding, did it happen -- how often did it
2 happen?
- 3 A. Just about every morning because I wouldn't eat their
4 porridge. I didn't like porridge.
- 5 Q. Did you say a moment ago that on occasion you would be
6 sick?
- 7 A. Yes, you would actually be physically sick because they
8 were forcing your food down your throat and make you try
9 and swallow it but you were boking it.
- 10 Q. Would there be times when you in fact didn't eat the
11 porridge?
- 12 A. If they didn't want to persevere with you, they would
13 just let you go to school, but when you came in at
14 lunchtime, it would be the same situation. The porridge
15 would be in front of you. So it would just get put back
16 down in front of you until it was finished.
- 17 Q. You are telling us about your own experience, but did
18 you see this happen to other children?
- 19 A. Yes, it happened to other kids who didn't like porridge
20 the same as me. I wasn't the only one who didn't like
21 porridge.
- 22 Q. Did you see your sister at meals times?
- 23 A. No, she would hear me but she would not see me.
- 24 Q. But you tell us on occasion, I think in paragraph 24, on
25 occasions when you were being forced to eat by the nuns

1 and being sick, and your sister was involved?

2 A. That was the time that I had obviously been screaming my
3 head off and she just came running over from where she
4 was and threw the porridge at the nun.

5 Q. She was obviously trying to protect you?

6 A. Yes.

7 Q. And what happened?

8 A. She got battered again.

9 Q. By whom? Any particular nun here?

10 A. I think it was just whoever was there in the dining room
11 because it wasn't the same ones every meal time.

12 Q. When you talk about getting battered, can you help me
13 with that? What happened?

14 A. Well, you would either get punched, slapped, your hair
15 pulled. If you ended up on the ground, you would get
16 kicks. Just whatever. Even their crosses weren't
17 exempt from being used as weapons.

18 Q. Was a cross used as a weapon on you?

19 A. Yes. They just used anything.

20 Q. You also tell us, I think, that fish was a problem for
21 you.

22 A. Mm.

23 Q. Can you tell me about your difficulty with fish.

24 A. I hate fish. And every Friday you got fish. It must
25 have been a Catholic thing, right. You didn't get meat

1 on a Friday. It was sardines and you know these things
2 were on the plate. So I managed to get one up my sleeve
3 and I was trying to get the other one up my sleeve and
4 I got caught by Sister [REDACTED] EAC [REDACTED].

5 Q. What happened after that?

6 A. So she yanked me off the bench and started battering me
7 and telling me I was an ungrateful wretch, the Lord has
8 provided this food, and I said, "Are going to tell him
9 I don't like it?" So I got another slap for that one.

10 Q. But battering again --

11 A. Yes, just like punching, slapping, pulling your hair and
12 shouting at you and ...

13 Q. You mentioned what Sister [REDACTED] EAC [REDACTED] said to you at that
14 time; did she call you any other names during your time
15 there?

16 A. You were in for being the devil's child, devil's spawn,
17 you were immoral, you would be nothing in life, you
18 would be the scum of the earth, you were in there
19 because nobody wanted you, not even your parents wanted
20 you -- albeit that might have been true to an extent, it
21 didn't give her the right to say it.

22 Q. I think you tell us in your statement in paragraph 28
23 that really meal times were the worst.

24 A. Yes, it was horrendous.

25 Q. Was this a regular occurrence then?

1 A. It was ongoing, not just with me. I mean with other
2 kids as well that didn't like the food. That's the way
3 it was. A way of life.

4 Q. In paragraph 29 you describe the abuse as -- the words
5 you use are "total brutality".

6 A. Yes.

7 Q. Is that the way you saw it?

8 A. Yes.

9 Q. Not just on you?

10 A. Not just on me, on other kids as well.

11 Q. You talk about schooling I think also on that page. Did
12 you go to the school that was within Smyllum itself?

13 A. Yes.

14 Q. And how did you find school, that school?

15 A. Well, school -- for me, I found it was okay. It was a
16 bit a relief from being in the orphanage. A bit of
17 escapism.

18 Q. Were there nuns involved in the teaching at the school?

19 A. Yes. There were. There was Mrs **AEW** and
20 Ms McKeown.

21 Q. They were the lay teachers?

22 A. They were lay teachers but Sister **EAA** was like --
23 not the headmistress but she was sort of --

24 Q. She was in charge was she?

25 A. Aye and there were other ones in classes.

1 Q. You go on to say that so far as the playroom outwith
2 school was concerned, you say you have no recollection
3 of books being available for reading?

4 A. No.

5 Q. Did you go on holidays from Smyllum?

6 A. Yes.

7 Q. Can you remember where you went?

8 A. St Andrews.

9 Q. Was there an episode there on one occasion that you tell
10 us in your statement in connection with crabs?

11 A. Yes.

12 Q. What happened?

13 A. Well, we had went to St Andrews and I don't know -- it
14 looked like it might have been a boarding school because
15 it had dormitories in it and we had arrived there and
16 were playing at the water, and I don't know who
17 initiated it, but we decided that we would collect some
18 crabs. And they ended up in the nuns' beds.

19 Q. How did you catch the crabs?

20 A. Well, we had buckets and we went back to the dormitory
21 and put them in their beds.

22 Q. Quite a naughty thing to do or was it just high spirits?

23 A. Kid's stuff.

24 Q. But what happened then once the nuns discovered what you
25 had done?

1 A. Well, once they discovered them, instead of a red mist,
2 there was a black mist as they flew round the dormitory
3 battering everybody in sight and threatening to send us
4 back in disgrace to the orphanage because of our
5 behaviour.

6 Q. And how many nuns were involved in this --

7 A. There was about four or five. There were a couple of
8 other people that weren't nuns, I don't know if they
9 were trainee nuns. They weren't people from
10 Smyllum Park.

11 Q. Was Sister EAC involved in this?

12 A. No, I don't remember her being there.

13 MR MacAULAY: My Lady, that's 1 o'clock. It might just be
14 a good time to have a break.

15 LADY SMITH: Very well.

16 Fergie, we are going to stop now for the lunch break
17 and we will start again at 2 o'clock. Thank you.

18 (1.01 pm)

19 (The luncheon adjournment)

20 (2.00 pm)

21 LADY SMITH: Good afternoon.

22 Mr MacAulay, are we ready to resume?

23 MR MacAULAY: Yes, my Lady.

24 LADY SMITH: Thank you.

25 MR MacAULAY: Before lunch Fergie, you had mentioned the

1 position with regard to meal times and food at Smyllum
2 and I just wanted to ask you about this little bit in
3 your statement, so I will put it onto the screen. It is
4 on page 5, WIT.001.001.2188. It is paragraph 26 where
5 you put it in this way:

6 "You would never do an Oliver Twist and ask for more
7 because the food was horrible and, if you did, you might
8 get battered. You were always hungry at lunch,
9 especially if you hadn't eaten your porridge in the
10 morning."

11 Then you mention some scones and cakes; can you tell
12 us about that?

13 A. That was up at the farm. There was a big farm on the
14 grounds of the orphanage and the kids used to go up
15 there if we were playing and Mrs Mortimer and her
16 husband had the farm and they used to -- you know, she
17 used to make cakes and scones if we were up there
18 playing and then she would say, "Do they not feed you
19 down there?"

20 Q. Is it the case that you were -- you were always hungry
21 because of the food?

22 A. Yes.

23 Q. I want to go back to a topic that you touched upon
24 already and that's bed-wetting. You do tell us about
25 this at paragraph 40 of your statement. What you tell

1 us in particular is that you were a bed-wetter when you
2 were at Smyllum; is that right?

3 A. Yes.

4 Q. Could you tell me what happened when you wet the bed?

5 A. When you -- during the night they used to go about and
6 check the bed and see if anybody had wet their bed, and
7 if they had wet the bed, they were dragged out of their
8 bed. And the same in the morning: if you wet the bed,
9 you were dragged out the bed.

10 Q. If that happened during the night then, were you -- did
11 that happen to you that during the night itself --

12 A. Sometimes. Sometimes it was during the night, sometimes
13 you woke up and the bed was wet.

14 Q. So if you were dragged out of the bed during the night,
15 what happened during the night?

16 A. Well, they would drag you out of the bed. You were made
17 to stand at the side of the bed like a wee soldier and
18 the wet sheet was put over the top of you. I mean,
19 I didn't have any concept of time, but you would be
20 standing there for a while and then they would go and
21 run a cold bath and then you would be put in a cold
22 bath.

23 Q. Would you then go back to bed?

24 A. No that was you.

25 Q. So even during the night and in the morning?

1 A. You would get the sheet put over you and you had to
2 stand there because you weren't the only one who wet the
3 bed. There would be other kids that had done it as well
4 and then you were put into a cold bath.

5 Q. And what about the sheets? What happened to the sheets?

6 A. Sometimes they ended up in the bath with you.

7 Q. Insofar as any physical abuse would be concerned, did
8 any physical abuse occur?

9 A. Yes, you would get slapped and battered for wetting the
10 bed and told you were immoral.

11 Q. Sorry?

12 A. You were told you were immoral for wetting the bed.

13 Q. Was that the word that was used?

14 A. Yes. They liked the word "immoral".

15 Q. If we look at paragraph 40 that's on the screen, what
16 you say is:

17 "Sister **EAC** was particularly bad, she was
18 psychotic. She would drag you out of the bed and you
19 would be battered."

20 Then you go on to say:

21 "She would punch or kick you and use her knuckles to
22 punch the top of her head."

23 A. She would get you and Miss **IAN**, who was like a lay
24 worker, she was just an ordinary person, she just
25 replicated everything that that Sister, **EAC** had

1 done and she would get you and hit you in the top of the
2 head like that (indicates).

3 Q. When you say "like that", you are holding your knuckles
4 down as if --

5 A. Yes, I think she thought she was a woodpecker.

6 Q. Would this cause you distress? Would you be crying when
7 this happened?

8 A. You would be upset. I mean it would be bad enough
9 wetting the bed, but you would get battered for doing
10 it, it just made it ten times worse.

11 Q. If you move onto the next page, 8, you also make mention
12 there of a brush or a metal ruler.

13 A. Yes. Whatever they had to hand, they hit you with.

14 Q. You tell us I think for how long you wet your bed at
15 Smyllum; did that go on for a little while?

16 A. Yes.

17 Q. Did you say this happened two or three times a week?

18 A. At least.

19 Q. But you weren't alone in that?

20 A. No, no, there was other kids in the dormitory as well
21 and in the other dormitory that had done exactly the
22 same thing.

23 Q. Can I ask you about birthdays. When you were at
24 Smyllum, would your birthday be celebrated at all?

25 A. I didn't even know when my birthday was.

- 1 Q. You do say that your father sometimes came along and
2 gave you presents.
- 3 A. Well, when my dad came up and visited, he always had
4 something with him, you know, but he wouldn't
5 specifically say, this is for your birthday, because it
6 might have been past by that time.
- 7 Q. What happened to these presents?
- 8 A. They were just taken off you and you never saw them
9 again. They said, we will take them for safe keeping,
10 but they were that safe you never got them back.
- 11 Q. At Christmas you do tell us about going out and staying
12 with other people at Christmas time.
- 13 A. Yes.
- 14 Q. Can you elaborate upon that?
- 15 A. What happened at Christmas time, you went to -- I don't
16 know if it was a church hall but it was a massive big
17 hall and you had a number on your sleeve and then they
18 would shout that number and then a family, a couple,
19 they would come and take you -- you didn't know who they
20 were. You had never seen them before. Then you would
21 go and spend Christmas with that particular family.
- 22 Q. I think you tell us about a particular family that you
23 spent Christmas with; is that right?
- 24 A. Yes.
- 25 Q. How was that?

1 A. They were fine. The couple I had was a couple called
2 the Stevensons. When I went to them -- that was on the
3 Saturday night -- like they had toys and they played
4 with you and then some of their family came over to see
5 you and then went to bed because I was still a child, so
6 I wasn't up late, and then went to bed and it was the
7 first time I had got a bedtime story read to me and then
8 during the night I had wet the bed and I had got up and
9 obviously I didn't know them and I was panicking. So
10 I just done what happened in the orphanage. I got out
11 the bed and put the sheet over the top of me and I don't
12 know what time it would have been and then I heard the
13 couple getting up and I was panicking because I thought,
14 I'm going to get battered, I'm going to get put in
15 a cold bath, and so Mr and Mrs Stevenson came in and
16 said, "What you doing, child?" and I said, "I've wet the
17 bed and you need to batter me know". Well, she grabbed
18 the sheet off me, picked me up and sat me down on the
19 bed, and said, "Nobody will be hitting you here, do you
20 understand that?" And then Mr Stevenson said, "I will
21 go and run the bath", and I thought cold bath, but then
22 when I went for the bath, it was full of bubbles and it
23 was a nice hot bath. And then he said, "I will go and
24 make the breakfast". He says, "What do you like?" and
25 I said, "I don't like porridge". "Right, if you don't

1 like porridge, you won't get porridge. What do you
2 like?" I says, "I don't know", because I hadn't had
3 anything else so I didn't know. And then I went down
4 after my bath and he says, well, there's Rice Krispies
5 or Sugar Puffs, and I said, I've never tried them, so,
6 try them see if you like them, try that, and I ended up
7 with Rice Krispies.

8 Q. And they were fine?

9 A. They were cool.

10 Q. Did you have visits from family members when you were
11 there?

12 A. Just my dad.

13 Q. Was he a regular visitor?

14 A. Every six to eight weeks.

15 Q. Did you have visits from any social worker?

16 A. I vaguely remember there was one man, a Mr MacDonald,
17 but that was it.

18 Q. Certainly there is a suggestion in your records that
19 there were some visits from the social worker. So you
20 have some recollection of them?

21 A. Yes.

22 Q. But so far as your father was concerned, did you tell
23 him at any time anything about what was going on in
24 Smyllum?

25 A. No, I didn't because I don't know whether I was shy or

1 withdrawn but my sister -- there was one incident when
2 Sister Claire -- she was okay -- and she had said to my
3 sister, your dad is coming up to take youse out today,
4 so she came and got me and we were waiting and
5 Sister [REDACTED] EAC and Miss [REDACTED] IAN was at the front and,
6 "What you doing?" And Elizabeth had said, "We are
7 waiting on my dad, my dad is coming up". "You are not
8 getting to see him. So [REDACTED] started to argue with
9 them and said, I am going to go and see my dad, my dad's
10 coming up. So she battered her and then she hit me and
11 so when my dad came, Sister [REDACTED] EAC had said to my dad,
12 they are not going anywhere, they have been misbehaving
13 and been disobedient, so my dad says, I have come up to
14 see my children and I'm taking them out and you are
15 not -- every time my good came up there was always
16 a constant run-in with Sister [REDACTED] EAC saying we weren't
17 going. So [REDACTED] started to cry and she said to my
18 dad, I think it is my fault why we are not getting to
19 go, and my dad said, why is it your fault. She said,
20 well, she battered the wean again, so I bit her on the
21 hand, and my dad says, you'd better not be hitting my
22 kids, and they were, you know what children are, they
23 make up stories; that was their response to that. So
24 then my dad and her were arguing because she was not
25 letting my dad take us away, and then Sister Claire, as

1 normal, came running out and told my dad, calm down,
2 I will get the children ready. So she sent
3 Sister [EAC] to take us upstairs to get us ready and
4 told her to bring us back down.

5 Q. So you went with your father?

6 A. So -- yes.

7 Q. But did you ever tell him --

8 A. I never, but my sister would say to him but I don't
9 know, maybe it was the situation where he didn't know
10 what was best to do.

11 Q. You mentioned Sister Claire there. You do say in your
12 statement that Sister Claire and Sister [BAE] were
13 sound?

14 A. And [EAA].

15 Q. But did you have much dealings with them?

16 A. Yes, they were there all the time, but they were older
17 nuns.

18 Q. I want now take you to page 11 of the statement where
19 you have another section where you tell us a little bit
20 more about abuse at Smyllum. That's at paragraph 62.
21 You have already told us about meal times and what
22 happened at meal times. But I'm just interested in what
23 you say at paragraph 63. They say:

24 "It was regular for the nuns to bring your brothers
25 and sisters in when you were being battered. They tried

1 to say it was setting an example, but it was just
2 horrible."

3 Can you tell me about that? How did that happen?

4 A. My brothers wouldn't have been there but if I was
5 getting battered for something, they would get [REDACTED]
6 and make her watch you getting battered as a sort of --
7 tell you it was an example, this is what happens if you
8 don't do what you are told, and vice versa. And other
9 kids as well. You know, if they had other siblings,
10 they would bring them along to watch them getting
11 battered.

12 Q. The batterings on these occasions -- what sort of
13 battering would be it be?

14 A. The usual: slap, punch, pull their hair, kick them, do
15 whatever.

16 Q. You do mention one night worker who, it would appear,
17 was kind to you and that's at paragraph 66.

18 A. (inaudible).

19 Q. That was someone who was kind?

20 A. Yes.

21 Q. But she wasn't a nun?

22 A. No. She was just an ordinary worker like that

23 Miss IAN [REDACTED]

24 Q. You do tell us she did show you some signs of affection.

25 A. Yes, she was good with the kids.

1 Q. Turning onto page 12 then, I think you summarise your
2 position up at paragraph 69. If we just go to that
3 paragraph. You tell us that:

4 "Sister [REDACTED] EAC [REDACTED] was the worst ..."

5 A. Yes.

6 Q. This notion of "literally snarled at you", can you
7 explain to me what you meant?

8 A. Like her whole demeanour changed when she was behaving
9 like a psychotic nutter. I mean it just totally
10 changed. Like it was just like pure evil.

11 Q. And you say she wasn't an old nun?

12 A. No.

13 Q. Then there came a time I think, as you tell us, that you
14 came to leave Smyllum; is that right?

15 A. Yes.

16 Q. And earlier this morning I put the date to you, and
17 I mentioned [REDACTED] 1967, when you would be 7 or 8 years
18 old; is that about your recollection?

19 A. Yes.

20 Q. Did you go home?

21 A. Yes.

22 Q. I think you did have some trouble, particularly from
23 your mother, when you were at home; is that correct?

24 A. Yes.

25 Q. I don't want to go into the detail of that, but your

1 father would try and protect you?

2 A. Yes.

3 Q. He was your protector. Can I tell you that the Inquiry
4 has spoken to nuns, including Sister EAC or
5 a Sister EAC who had worked in Smyllum, and I can
6 tell you, first of all, that Sister EAC doesn't
7 remember you, but that may be understandable because
8 there were so many children there. But the position of
9 the nuns is that broadly that the children were well
10 cared for and happy. What's your reaction to that?

11 A. No. That wasn't the case at all. It was all unhappy
12 kids there.

13 Q. And there was no corporal punishment is the other thing
14 they say.

15 A. Well, if I was their representation, I would be putting
16 an appointment on at the confession boxes because the
17 reason being, firstly, they knew what was going on, saw
18 what was going on, and chose to do nothing about it.

19 Q. You tell us a little bit about the impact of your
20 experiences at Smyllum have had on you. Can you give me
21 a sketch on that without too much detail?

22 A. Well, trusting people was a bit of a constant challenge
23 because you cannot really be who you are because you
24 don't want to claim the bragging rights to being brought
25 up in Smyllum Park, so you don't tell people anything

1 about yourself and you avoid it at all costs. It is
2 just one of the things.

3 Q. And I think you tell us a little bit about your eating
4 habits as well, you think they have been affected.

5 A. I just hate if I get a big meal put in front of me, like
6 because I end up looking like a chipmunk because I stick
7 it in there now rather than eat it because it just
8 constantly reminds you of Smyllum Park.

9 Q. I'm right in thinking, am I, that you have never sought
10 support for yourself in relation to what had happened to
11 you and you just try and deal with it yourself?

12 A. Yes, because it is a bit embarrassing to initiate going
13 and speaking to somebody about it, that's how I feel.

14 Q. You have provided the Inquiry with a list of the nuns
15 that you can remember at Smyllum. I don't propose to
16 take you through the list but the list is set out on
17 page 2 at paragraph 10 of your statement, I will just
18 take you quickly to where it is. That's page 2,
19 paragraph 10. I think they have been blanked out but we
20 know who the names are.

21 A. Yes.

22 Q. Can I then finally take you to the last page of your
23 statement. I think this is your final word to us,
24 "Hopes for the Inquiry". What do you tell us there?
25 What are your hopes?

1 A. I just hope that any kid going into care will be treated
2 with dignity and respect, that there are no nuns
3 involved. That would be a start.

4 MR MacAULAY: Thank you. That's all I need to ask you
5 today. Thank you very much for coming to give your
6 evidence.

7 My Lady, I have received no written questions for
8 this witness.

9 LADY SMITH: I'm just going to check whether there are any
10 outstanding applications to question this witness.

11 Mr Scott?

12 MR SCOTT: No thank you, my Lady.

13 LADY SMITH: Ms O'Neill.

14 MS O'NEILL: No my Lady, thank you.

15 LADY SMITH: Ms Van Der Westhuizen or Mr Richardson?

16 MR RICHARDSON: No, my Lady.

17 LADY SMITH: Then to Mr Rolfe?

18 MR ROLFE: No thank you, my Lady.

19 LADY SMITH: Thank you very much.

20 Fergie, thank you. There are no more questions for
21 you, I am able to let you go.

22 A. Thank you.

23 (The witness withdrew)

24 MR MacAULAY: My Lady, we are now -- the plan is to read
25 into the transcript two statements, the first from

1 Frank Docherty and the second from Jim Kane. That will
2 be done by my learned junior Ms MacLeod.

3 LADY SMITH: Thank you very much.

4 Witness statement of MR FRANK DOCHERTY (read)

5 MS MACLEOD: My Lady, we now turn to the first two of
6 a number of statements to be read over the next few
7 weeks. When a statement is read, much of the content of
8 the statement will be read, but some parts will not.

9 The full statements are available as evidence to the
10 Inquiry. To cater for redaction, there will be some
11 minor differences in wording between what is read and
12 what appears in the statement itself. For example,
13 a sentence which has some redacted content may be
14 re-phrased so that it makes sense. This afternoon
15 I propose to read the statements of Frank Docherty and
16 Jim Kane.

17 Both Mr Docherty and Mr Kane gave their evidence to
18 the Inquiry in the form of witness statements in 2016.
19 Mr Docherty and Mr Kane both passed away before they
20 were able to appear in person at Inquiry hearings.
21 Mr Docherty died in April 2017 and Mr Kane died in
22 June 2017. Both Mr Docherty and Mr Kane wished for
23 their anonymity to be waived in relation to their
24 evidence to the Inquiry and both their families have
25 more recently confirmed that position.

1 The reading of each statement will take
2 approximately 1 hour. I now propose to begin with the
3 statement of Frank Docherty.

4 That is to be found at WIT.001.001.0396:

5 "My full name is Francis Crum Docherty. My contact
6 details are known to the Inquiry. I was born in 1944.
7 I am married. This is my third marriage. I had a drink
8 problem in the past. I stopped drinking on
9 15 October 1997. I had been drinking since I was about
10 14 years old to help me with the fears I had of
11 Smyllum Park Orphanage in Lanark and the effect it had
12 on my life.

13 "I was in and out of Alcoholics Anonymous for about
14 30 years. My father was in Alcoholics Anonymous and
15 kept at me to go to meetings with him. I fought against
16 this as I didn't think that I had a problem but he may
17 have seen the signs. I gave into him and went to my
18 first AA meeting with him at Cunningham Street in
19 Glasgow in 1963. Everyone there was a lot older than me
20 and I felt that I was too young to be an alcoholic, so
21 I never went back.

22 "My father kept at me over the years, especially
23 when I started to get into trouble with the police. We
24 argued about it over the years and I carried on
25 drinking. After I got married and had our two children,

1 we moved to East Kilbride where I got a job as a driver
2 for Cadbury Schweppes, delivering soft drinks to
3 licensed premises. This proved to be a bad move for we
4 'with my problem' as you got a free drink from the staff
5 in every pub you delivered to, and you could deliver to
6 10 or 12 pubs a day, and then went back to the pub every
7 night when you finished work. I drunk every single day
8 for the next 5 years until I had to pack the job in.
9 I was killing myself.

10 "Eventually, I ended up back to AA in the late 70s,
11 I went back and forth just to sort myself out. I never
12 really wanted to get sober, I used AA to get a bit of
13 respite from drinking and stayed off it for a couple of
14 weeks at a time. Over these years, I was harum scarum,
15 I took chances and didn't care if I lived or died. So
16 it wasn't important.

17 "We were like nomads; we moved all over the place.
18 I got to know thousands of people but have been a loner
19 and didn't let myself get too close to people. When
20 I drank, I was an angry drunk; there was so much anger
21 in me. I even took my anger out on my mates in the pub.
22 If one of them looked at me the wrong way, I would 'turn
23 on a tanner' very quickly. People would ask me, 'Why
24 did you do that?' I couldn't explain why. This went on
25 for years and I lost a lot of good friends.

1 "In Alcoholics Anonymous you are told to write down
2 the things that are doing your head in. The idea is
3 that you can 'visit' these things and they don't have to
4 let them live in your head rent free. No one could
5 understand what I wrote, I couldn't spell and I couldn't
6 read my own writing.

7 "One night when I was writing in the house the penny
8 dropped out of the blue. My wife was in the kitchen and
9 I called out to her. I told her I understood why I had
10 been a nutter and why I was full of anger when I was
11 drinking. It was Smyllum Orphanage. I had carried that
12 anger for all these years without knowing it.

13 "When I started drinking I was 14 years old, I found
14 this feeling of courage and the fear in me went away,
15 but when the drink wore off, the fears came back so
16 I found that when I topped up with more drink, the fears
17 would stay away. This became a habit, a way of life and
18 I quickly became addicted to alcohol for the next
19 40 years.

20 "I was always out 'turning a coin', earning a wage.
21 That was not through greed, it was my way of surviving.
22 I always worked from a very early age, especially when
23 I had my own family as I wanted them to have the things
24 that I missed out on in life. But alcoholics will also
25 work to get their drink money as the most important

1 thing to them in life is their next drink.

2 "It was years later that I realised there were
3 trigger words that would set me off. For example, if
4 someone called me 'useless, 'daft, 'dumb' or 'scum', it
5 was 'bad'. It would trigger the subconscious hate in me
6 and I would fly at them.

7 "As I said, when the penny finally dropped,
8 I realised I carried all this anger for all these years
9 because of the horrendous abuse I endured all these
10 years ago at Smyllum Park in Lanark and took it out on
11 around me everyone. They left us with no self-esteem,
12 no worth. All these years I would fly off the handle
13 and my friends would say there was no need for it, but
14 I know the drink turned me into a Jekyll and Hyde
15 character that couldn't control himself.

16 "That night I said to my wife, now I know I will
17 never need or want to take a drink again. That was
18 19 years ago. I have been through a lot since. I have
19 ups and downs and highs and lows and I have suffered
20 depression all these years but I have never thought
21 about taking a drink. I don't have room for it in my
22 life as I have taken full control of my life now.

23 "During these years I kept working. I worked on the
24 buses, lorries and at the Barras in Glasgow where my
25 wife and I had two stalls, one selling children's

1 clothes and the other selling second hand bric-a-brac
2 and antiques and also worked in my father's second-hand
3 shop. I worked in different jobs. When I was out of
4 a job, I did a 'homers' for years as I could do
5 plastering; tiling, painting and decorating; joinery
6 work and roofing. I have always been very handy and my
7 hands have kept me in work. I have not worked for a few
8 years now because of my health.

9 "I was taken into care in March 1954. I have some
10 records about me but they are scant. I have passed
11 copies of these to you. These verify I was taken into
12 care. I have also written my own document called 'My
13 Time in Care' and have passed you a copy of this too.
14 It took me nine years to write my account of the abuse
15 because of the memories.

16 "I was nine years old when I was taken into care.

17 "We ended up in care because my father was a bit of
18 a hard man and a hooligan. He had been done for
19 stealing four big bags of block tin. My mother's
20 boyfriend reported him to the police and he got jailed
21 for two and a half years.

22 "When I was about 4, I remember we lived in
23 a condemned building in Stewart Street, Cowcaddens in
24 Glasgow. There was no hot water or electricity. Both
25 my parents were alcoholics. The bailiffs and police

1 moved us out of there. There were about 12 families in
2 the building. My father found an old civil defence camp
3 in Anniesland for us to live in. The families in the
4 building loaded horses and carts and we travelled like
5 a wagon train from Stewart Street, along New City Road,
6 to St George's Cross, to Great Western Road,
7 Anniesland Cross, Anniesland Road, and into Rivera Road.
8 There is now a fire station which was built in the
9 ground of the old civil defence camp. The grey
10 buildings had flat roofs with steel windows at the top.
11 There were three big sheds which had been used for fire
12 training. We went in through two big wooden gates. The
13 whole place was covered with gas masks.

14 "There were empty quarters set out in a square in
15 the big yard. There was a fireplace every 10 or 15 feet
16 along the wall. When the families moved in, each one
17 took a fireplace and, for privacy, put up some string
18 and curtains. We bedded down on the floor that night.
19 The next day we all set about cleaning the place up.
20 The men went out to look for wood and plasterboard to
21 partition off separate rooms for the different families.
22 All the families got the same size of room, except that
23 we had the first section at the gate. This had
24 an office next to it, so we had a bigger space. This
25 was because it was my father who had found the camp in

1 the first place.

2 We moved there in 1948. We were still there in
3 1951. I was baptised in Ninian's Chapel and I went to
4 St Ninian's school. I think there is a mix-up in my
5 records which says I was baptised in St Ninian's in
6 1944, but we weren't there then.

7 "My father went to prison in 1951 and got out in
8 1954. Once he was in jail, my mother and her boyfriend
9 moved us to a squat in Hamilton in Cadzow Row, which
10 were miners' houses. We had a lot of uncles and we had
11 a lot of difficulties with them as they were all
12 drinkers. My mother found out that my father was due
13 out of prison, so she and her boyfriend did a runner and
14 left us there on our own for 2 or 3 days. We had no
15 electricity and made food on the fire. He was out for
16 four days and then we went into Smyllum.

17 "Dad asked us if we wanted to go on holiday. He
18 told us we would be going to a farm with horses, ducks
19 and chickens. He then took us next day to government
20 offices. The office had a panel which was wood at the
21 bottom and the top was ribbed glass. They were painted
22 grey. We sat in a corridor where he talked to someone.
23 He told us we would be going on holiday tomorrow. We
24 were delighted.

25 "In Cadzow Row we lived in a two down and one up

1 house. You walked in between the houses through
2 a tunnel which took you to the main road. I saw there
3 was a black limo car to the right. It had a running
4 board and a round metal case that held the spare wheel
5 on the front driver's side of the car next to the wheel
6 arch. There were two men in black suits. As soon as I
7 saw them, I knew we were not going to go on holiday.
8 They had to fight to get me to go in. I was stuck in
9 the tunnel between the back and front seats. I was
10 crying. I looked out of the back window of the car and
11 watched my dad cross the road and go home.

12 "It seemed like we travelled for hours from
13 Hamilton. We ended up in the Clyde Valley on twisting
14 roads. There were trees and the river was on the
15 left-hand side. Young as I was, I was trying to
16 remember my way home. We got to Smyllum. It has big
17 battlements and I thought it looked like a castle. The
18 building is now six luxury flats.

19 "The nursery was in the other building. When we
20 arrived we were taken into the drill hall.

21 Sister [BAE], who was known as [BAE] sat the
22 three of us down on a bench. She shut the door.

23 I tried to run out and was shouting and swearing.

24 Sister [BAE] was pulling me back and I was punching
25 and kicking to try to get away.

1 "Sister BAE locked the door. She pulled me by
2 the ear so that I was on my tiptoes. She hit me on the
3 head and face with a bunch of keys. I think she was
4 angry because I had hurt her when I tried to run away.
5 I ended up on the floor. It traumatised me. All our
6 lives we were taught to revere nuns and priests; that
7 was Catholic life.

8 "Sister BAE pulled out a brush, she wore
9 a seagull hat, [REDACTED]

10 [REDACTED] Her lips were pulled
11 tight over her teeth and there was hatred on her face.
12 When she was hitting me, she was leaning over me. She
13 hit me with the brush on the arms face and legs and was
14 kicking me with her small black leather boots. I was
15 pleading with her to stop. She was saying that I was
16 'trouble' and 'scum' and that I was there because
17 I wasn't loved. She said that I should be grateful for
18 them taking me in but I couldn't take in what she was
19 saying; I was terrified and in pain. When
20 Sister BAE lost it, she lost it completely. I got
21 the biggest doing of my life from a Holy nun. It lasted
22 maybe ten minutes. It felt like time had stopped.
23 I couldn't believe it was happening to me. These were
24 God's people. She said to me, 'I will be keeping
25 a close eye on you, boyo'.

1 "When the beating ended, I got up. She pulled me by
2 the ear. Another nun took me to the clothes store.

3 I got my everyday clothes to wear. I couldn't get the
4 beating out of my head. With my upbringing, you expect
5 to be hurt by others, but I never thought it would be by
6 a Holy nun. We lived, suffered and witnessed the dark
7 side of these people.

8 "I was there for 19 and a half months. The records
9 show the date we went in but not the date we left. This
10 is because we ran away. We left when I was 11 and
11 a half.

12 "I went to St Joseph's dormitory. This was the
13 bed-wetters' dormitory. They boys' section of the
14 orphanage had St Joseph's, Sacred Heart and other
15 dormitories. The girls slept in a different place
16 altogether.

17 "The boys in my dormitory were all about the same
18 age and the dormitory looked like an old hospital ward.
19 There were maybe ten or 15 beds down each side. They
20 were hospital beds with blue and white bedspreads. We
21 had to make the beds with envelope corners.

22 "The next day I woke up. I was terrified as my bed
23 was wet. You think you are the only one who wets the
24 bed. In my record for Smyllum it says I was 'enuretic'.
25 I had to ask someone what it meant. It means that I wet

1 the bed. I always wet my bed, even before I went into
2 Smyllum. I was embarrassed in case the other boys saw
3 that I had wet my bed.

4 "In the morning they would ring a bell and the boys
5 would peel back the sheets so that the nuns could
6 inspect the beds. I left my sheets up. The nun grabbed
7 the wet sheets off the bed and through them over my
8 face. She made an example of me on the first day. She
9 called me a 'bed-wetter' and 'scum of the earth'.
10 I don't know this nun's name. My friend who died
11 recently was at Smyllum and he could remember names.

12 I was paraded down the wards. You would be
13 ridiculed. The other kids laughed at you out of nerves
14 and fear. When they laughed at you, you were crippled
15 with humiliation. The nun would or the civilian carer
16 would hit you on the legs with a wooden stick or
17 a strap. You would have to take off your nightshirt so
18 that you were naked. They would plunge you into a cold
19 bath two at a time. There were two or three big baths.
20 You didn't know if the water was hot or cold. You would
21 get a shock and couldn't get your breath. This would
22 happen to me most mornings as you couldn't go to school
23 smelling. The water was usually cold. They humiliated
24 us.

25 "Once you were bathed you would get dressed. If

1 there was Mass on you would go to Mass and then have
2 breakfast. If not, you would go straight to have
3 breakfast in the big dining hall, which was at the other
4 side of the yard.

5 "The food there was terrible. Everyone complained
6 about it. I didn't like the potatoes, which were mashed
7 with sour milk. Half the potatoes were hard, but in the
8 life I had before Smyllum I was always hungry. A lot of
9 the boys hated the semolina and sago, but I would eat
10 it. You had to eat everything, even if you were sick.
11 If you didn't eat they would force you, even if you had
12 been sick on it. I ate it all but it was only the sour
13 potatoes I didn't like. I had a lot of trouble with it.
14 In the morning they put hot milk on your corn flakes.
15 I didn't like it, but ate it as you would go hungry.

16 "I went to the junior school in Smyllum. It was
17 called St Vincent's. There was a school outside the
18 gates for the older boys. It was called St Mary's.
19 Kids from outside the home also attended St Mary's but
20 not St Vincent's.

21 "All the classes would be together. The desks went
22 up in steps. There were partitions which rolled up but
23 these were usually up. The nuns would sit in big high
24 chairs and watch us. The teachers were civvies. I
25 didn't learn much at school because of the fear. We

1 would have lunch when we were at school.

2 "We only saw girls at Mass. We were kept apart.
3 The big boys saw the girls at St Mary's school but we
4 didn't at primary school. I have a photograph of the
5 primary school. You sat in a line with your feet
6 together. Your hands were either clasped in your lap or
7 you were writing.

8 "After school we would have dinner and after would
9 be bedtime. Any free time we spent in the drill hall in
10 winter. In summer time we would be outside in the yard.

11 "My friend who was in Smyllum at the same time as me
12 used to say to me that there was a pool table, but
13 I never saw one. He also saw a television but we
14 didn't. If you were a bed-wetter, you were the scum of
15 the earth. You were muck. No privileges at all were
16 allowed. My friend was a year younger than me. He
17 remembered everything. Others who had been there also
18 said there was a television.

19 "When I was at Smyllum, I missed to summer camps.
20 They went to West Linton and Forfar in coaches for
21 a fortnight. The bed-wetters were left in the home.
22 There were 7 or 8 of us left. This was our punishment.

23 "What they didn't realise was that this was the two
24 best weeks of the year because **BAE** was away.
25 Sister Patricia who was in the kitchen was a lovely

1 woman. She was a tall Irish woman. Everyone loved her.
2 If we wet the bed, the sheets were taken to the laundry
3 and there was no hitting and no baths. It was
4 absolutely brilliant.

5 "I remember there was a big orchard. The 'baggie
6 boys', who were BAE 's favourites, were allowed to
7 pick the fruit and gooseberries and some might give us
8 some. We were never allowed there. There was a high
9 wall with a green door. Her favourite boys would tell
10 on other boys and get rewarded with better or extra
11 dinners or other privileges.

12 "The physical abuse destroyed my life and my
13 education. Sister BAE said she would keep an eye
14 on me and kept true to her word. She watched me in the
15 yard from the windows. If I stepped out of line, if
16 I pushed someone, she would blow her whistle, we would
17 all stop dead in fear. She would point and say my name
18 and ridicule me. She would say I was a bed-wetter, that
19 my mother didn't want me, scum of the earth, and that
20 I was bad before I came to Smyllum and that I was still
21 bad. The worst was the kid's laughing. Some wanted to
22 laugh but some laughed because of nerves. There was
23 regular humiliation. I maybe at times received three
24 beatings in the one day for different things.

25 "All the bed-wetters were altar boys. I was made

1 an altar boy. We had to learn Latin. We had a wee book
2 of Latin but it was hard for me as I couldn't even read
3 English books.

4 "Sister BAE would cut the boys' hair in the
5 drill hall. She would sit there cutting hair and there
6 would be a bench or chair and three or four of us would
7 sit on the chairs. She would give us 20 minutes to
8 learn a paragraph or page. I couldn't pronounce the
9 words. Then she would tell us to close the books and we
10 would be nervous. She would get you to recite the
11 words. If you were mumbling or bumbling the words she
12 would get you to speak up. If you couldn't say them,
13 then she would get out a 9-inch mahogany hairbrush,
14 which she kept in the blue and white narrow-striped
15 pinny that she wore. She would get you to cross your
16 hands in front of you and she would lift the brush high
17 and hit you on the heel of the hand. I would be scared
18 and pull my hands apart but I would get double for doing
19 that. She would lose it and hit you on the arms and
20 face. You would end up on the ground. I would plead
21 and promise that I will learn my Latin.

22 "You knew what was coming next and it was a beating.
23 My friend didn't remember this. He was there before
24 Sister BAE came to Smyllum. I think she came just
25 before me from another home. I would cry when I was

1 being beaten. I wasn't being beaten by just anyone, it
2 was a nun. She was psychotic.

3 "The other nuns would hit you and slap you but
4 Sister [BAE] was sadistic and hated children. The
5 other nuns saw what she did but were frightened of her.
6 I was told that there was a boy begging Sister [BAE]
7 to stop beating him, another nun tried to stop her but
8 she hit that nun. The nun went away crying. [BAE] was
9 the minority, most of the nuns were fine. If
10 Sister [BAE] had not been there, my life wouldn't be
11 what it is now. According to my friend the whole place
12 changed when she came to Smyllum.

13 "There was also a civvy called [BAC] who
14 stayed on at Smyllum. He became an abuser. He died and
15 is buried at St Mary's Cemetery. He was a bully. He
16 would come in for breakfast and kick and punch any boy.
17 He kicked me a couple of times. There were cover-ups
18 for deaths he caused. [BAE] was covered up too for
19 deaths. Kids were dying of brain hemorrhages.

20 "When I was at St Joseph's, Sister [BAE] didn't
21 keep off my back. A few weeks or months in she got me
22 in the yard one day and said she was keeping a closer
23 eye on me. She told me I was going to her dormitory at
24 St Vincent's. I was moved there. I was petrified
25 there. It was smaller than St Joseph's with five or six

1 beds up each side and a highly polished floor. It was
2 partitioned off where she slept. One day I went to ask
3 Sister [BAE] something and the door was slightly
4 ajar. She had her hat off and I saw her cropped hair.
5 She saw me and I had embarrassed her so she hit me with
6 her fists and slapped me. She would clench her fist and
7 put her middle knuckle out and grab you by the ear or
8 throat and hit you on the head and temple repeatedly.

9 "When I wet the bed, Sister [BAE] would make me
10 pull up my cotton nightshirt all the way up over my head
11 and make me lie face down on the bed. She would then
12 strap me. I would try to get away and plead for mercy
13 but then they would get four boys to hold my legs and
14 arms and she would hit your bottom. I would struggle
15 and pull the boys in so they would get hit by mistake.

16 "Sister [BAE] did not do this every morning. It
17 was only sometimes. She would tell me to remember what
18 you have got to look forward to tonight. I was
19 petrified and it would ruin the day. I would think
20 about it all day. I could not escape. I could not
21 learn at school because I was worried about it.
22 I became a recluse in the playground. My friend could
23 remember some of the boys there but I couldn't, I was
24 frightened to play in the playground.

25 "The other bed-wetters got the same treatment as me.

1 Sister BAE would remind you every day, sometimes
2 you wouldn't get beaten but you would be full of fear.
3 She held it over you every day and she controlled by
4 fear. I could not learn at school. I sometimes
5 couldn't eat. I would hide in the boiler house or under
6 the stair in the clothing stair, I became a loaner.
7 I think Sister BAE always held my first day at
8 Smyllum against me.

9 "The physical treatment was bad, but so was the
10 fear. You would have red welts from the belt but the
11 psychological damage was worse. I think every week or
12 fortnight there was a tuck shop. Sweet factories or
13 shops sent in broken rock and different sweets. We
14 would line up in twos. Sister BAE would be in the
15 drill hall, I would queue on the side away from her.
16 When I got to the front and put my hand out, she would
17 blow her whistle and say that nothing was to be given to
18 me as I was a bed-wetter, unloved, and scum of the
19 earth. She also warned other boys that if anyone gave
20 me a suite they would be severely dealt with. I was
21 laughed at by the others and never got a sweet and
22 couldn't coax anyone to give me one. It happened to
23 other boys too.

24 "There were mass punishments. Sister BAE had
25 a wee beetle clicker that she clicked. My friend

1 thought it was a frog. It was made of tin and was
2 a children's toy. There were toilets at the back which
3 cost maybe £2,000 at the time. There were four cubicles
4 and they were Sister BAE s pride and joy, they
5 would inspect them. If the toilets were dirtied, if
6 there was writing on them, if someone was heard swearing
7 in them, then she would blow her whistle. We would all
8 freeze. She would shout that the toilets cost £2,000
9 and asked who dirtied them. She said the person was to
10 own up to save their soul and get grace. If no one
11 owned up we were all told to go to the drill hall.

12 "We would stand in four or five rows and stand an
13 arm's length away from the next boy. She would walk
14 from behind us clicking the tin beetle. She would tell
15 us to put our hands up to our shoulders, then in the air
16 in time with the clicks. She would click fast and we
17 would get lost. If you got it wrong she would hit you
18 with a long two-foot long hollow wooden stick. She
19 would hit you on the wrists and knuckles. Anyone would
20 get it. You would hear her rosary beads and swish of
21 her gown. You would jump in fear and if you fell down
22 she would whack you on the ground. She did that to me
23 a number of times. She controlled us with fear. These
24 mass punishments could happen about twice a week.

25 "Another punishment that we got was scrubbing and

1 polishing the drill hall floor. BAE would come out
2 to the yard and point and wave to three or four of us to
3 come into the hall. It was usually the bed-wetters.
4 She would tell us to get the buckets of water and big
5 bars of soap. We would kneel down on the floor and
6 start scrubbing. Half way down the hall floor she would
7 find fault and kick the buckets over. We would have to
8 start again at the beginning.

9 "Once we had washed the floor we would get big tins
10 of polish and rub it onto the floor with old bits of
11 rags. Then we had to polish the floor until it shone.
12 Again BAE would find fault and scuff the floor with
13 her shoe and we had to put polish on those bits again.
14 We would polish using big heavy bumpers. These were
15 large blocks of wood with big long poles attached to
16 them. They had bits of old blanket underneath and wet
17 push them forward and pull them back. Once we got into
18 a rhythm it was easier but from start to finish it would
19 take hours and we missed out on free time in the yard
20 with our friends.

21 "Sister BAE had her favourites. She was
22 a Celtic fanatic. My brother was a goalie in the
23 football team. If you could play sports you could do no
24 wrong.

25 "In bed, you were never allowed to have your hands

1 under the blanket. They had to be crossed or at your
2 sides. If you did have them under the blanket, BAE
3 would wake you up and accuse you of masturbating. If
4 you went to the toilet and took too long, you would also
5 be accused; it was just her filthy mind. We don't know
6 what she meant. You would be given a big sermon about
7 God.

8 "Sister BAE never swore at us. I think she
9 was in her 50s. She will be dead know.

10 "We had a shower once a week. We would have to
11 strip naked and hold out our underpants to be inspected.
12 If there were marks on them, you would be beaten,
13 slapped and pulled by the ear. This happened to most of
14 the kids including me. That was BAE's way.

15 "We did Highland dancing. We did three dances: the
16 sword dance, the Highland fling and the chanteruse. If
17 dignitaries came, we would put on a show for them. We
18 would get a bar of chocolate from the priest. When they
19 went away, this would be taken back off you and you
20 would be hit if you had made a mistake, like kicking the
21 sword.

22 "I think there may be six nuns for the boys and
23 different ones for the girls. When I was an adult
24 I wrote to the Sisters of Charity of St Vincent de Paul
25 about Smyllum and about the bullies there like BAC

1 **BAC** . A Sister wrote back to me. She said there
2 were 35 nuns in the home and over 500 children. She
3 said they had to control us.

4 "I spent one Christmas there. We were allowed to
5 sit in our nightshirts when we got up. Before
6 Christmas, the big boys would take a laundry basket out
7 on wheels to the post office van. There were 'aunties
8 and uncles' who sent in parcels. I'll always remember
9 that there was a basket full of parcels. We tried to
10 see if there were names in the parcels and there were.
11 We all jumped up and I was wet as usual. I was given
12 four presents. One was a compendium game. It had
13 cardboard cut outs for ludo and snakes and ladders and
14 a couple of other things. I hate these games. **BAE**
15 walked in and saw my wet nightshirt. I was ridiculed
16 and she took my parcels away and gave them to other
17 boys. I was left with nothing. She told me I didn't
18 deserve Christmas presents and I was put in a cold bath
19 as usual.

20 "Birthdays weren't celebrated, they just passed.

21 "Children who didn't get visits from anyone were
22 laughed at. I had very few visits; maybe about three or
23 four. When mum or dad did come they were drunk. Once
24 they arrived at the same time and my dad started hitting
25 my mum so the visit was scrapped. My cousin in England

1 said my auntie visited once but I don't remember that.

2 "When my mum did visit, I whispered to my mum what
3 it was like and I was crying. BAE pulled me up for
4 it afterwards. I would lie. It was hard watching them
5 leave while you were left in there.

6 "The sad thing was that years later, in 1977 or
7 1978, I was staying with a girl in East Kilbride and
8 I took her to Smyllum. We went into the boys'
9 playground and had brought some sweets in for the
10 children. They were about five or six in the
11 playground. A nun came out and said that there were
12 only 12 children left in the home as it was closing and
13 they were moving to Pollokshields. All the homes shut
14 in 1981.

15 "A wee girl came over and we gave her some sweets.
16 She was delighted. We asked her how the home was and
17 she said it doesn't matter because her mum and dad were
18 going to take her home on Saturday. I had to walk away
19 because everybody's mum and dad said they would come on
20 Saturday to take them away but they never did. This
21 happened at every visit. It was heart-breaking.
22 Saturday never came. I had to walk away because the wee
23 girl was so full of hope and I knew Saturday wouldn't
24 come.

25 "I had a black tooth and I was in excruciating pain

1 but I never got to see a dentist. One of my ear lobes
2 had a weeping scab which I still have problems with now
3 but I never got any treatment for that. I remember
4 I had a boil on my neck it was so painful I could not
5 straighten my head. I was crying. Sister BAE hit
6 me to make me straighten my head. This lasted a week.
7 Another nun lanced it in the yard with a single-edged
8 razor blade. She squeezed it and the pus came out onto
9 her habit and she slapped me for that. I can't remember
10 her name. She was wee and dumpy.

11 "There was a Catholic doctor but I never got to see
12 him.

13 "The nuns hit you on the head and the ear.
14 Sister BAE lifted us by our ear lobes and also hit
15 you on the ear. There will be victims who ended up deaf
16 in one ear because of this."

17 My Lady, it is about 3 o'clock now, it might be
18 an appropriate time.

19 LADY SMITH: It might be a convenient place to stop. We
20 will take a short break at this time and start again at
21 3.05 pm please.

22 (A short break)

23 (3.05 pm)

24 LADY SMITH: Ms MacLeod, when you are ready.

25 MS MACLEOD: My Lady, I will now continue with the statement

1 of Frank Docherty.

2 LADY SMITH: Thank you.

3 MS MACLEOD: "I was made to serve mass. I would kneel and
4 ring the bell for the priest. If you did anything at
5 the wrong time or made a mistake with the wafers or
6 wine, Sister BAE would watch you. Once Mass was
7 finished, she would wait in the doorway of the office.
8 We would go out in single file from chapel to the drill
9 hall. She would pull you by the hair and tell you you
10 had made a mess of Mass. She would make you take down
11 your trousers and underpants and then take out her
12 strap, which was nicknamed 'Lochgelly' by the boys. It
13 was made of leather and so stiff it stood up itself.
14 You would get six on the backside. If you flinched, you
15 would get more. If you tried to get away onto the floor
16 and plead then she would lose it and hit you anywhere.

17 I sang in the choir. I loved the chapel because
18 I was safe there. No one ever got hit in there. It was
19 like there was a curtain around you and no one could
20 touch you. I loved the hymns. But if you made
21 a mistake, you would be belted in the store room.

22 "I couldn't master the Latin. Some words stick in
23 my mind but I know nothing else about it and I don't
24 want to know anything about the Catholic Church.

25 "I think the effect on me would have been totally

1 different if it hadn't been a nun who was doing this.
2 They tell the world how lovely and holy they are. It is
3 hard for us to show the world that they are actually
4 evil and bad and are hiding behind this mask, this
5 cloth, this Jesus, this God. We witnessed it and
6 suffered under the dark side of these people. It's in
7 their history. Even when we fight with government, they
8 want to protect the holy orders. The Catholic Church
9 pretends that they are doing wonderful things for us.
10 They are saving their image and do not care about us.
11 They are hoodwinking the public. People need to look at
12 what they have done to us.

13 "The trauma for me is that this was done by a nun.
14 It was drummed into us that we respect and revere them.
15 The physical and psychological abuse destroyed my life.
16 I had to put a false face on when I got out. This one
17 nun ruined my life. She got away with it. She ran the
18 place. My life would have been totally different if it
19 hadn't been for **BAE**.

20 "I'm 72 years old but it is nine-year-old Frank who
21 is sitting here talking to you just now. I can see
22 myself there. I'm reliving all the pain and unfairness.
23 These are the things we have to do. When we come out,
24 we build a big wall because we don't want people to see
25 the real us. I had only talked fleetingly to a few

1 people about this. I spoke to my wife about it, I spoke
2 to my friend who I took down to Smyllum, and my wife who
3 knows only bits of it.

4 "I never complained about Sister BAE to anyone
5 at the time. The priest did not have much to do with
6 us. You only saw him at Mass. Confession was for
7 confessing your own sins and not BAE 's. If you said
8 anything you would know it would get back to her.

9 "I think maybe people came in to see us to inspect
10 or visit the orphanage once or twice. Sister BAE
11 would know in advance that they were coming and would
12 say to us, 'Woe betide any boy who speak out of turn'.
13 We would be asked by these people if we liked it there,
14 were treated well and if the food was good. We would
15 answer yes because Sister BAE was sitting there.
16 We would have been insane to say anything else. We
17 would have signed our own death warrant.

18 "My mother came to visit us on 31 October 1955.
19 I remember because it was Halloween. She arrived with
20 her pal and they were half drunk. I was first down for
21 the visit.

22 "My mother said that she was taking us home that
23 day. It was the greatest day of my life. She said that
24 she had told the Sister Superior that she was taking us
25 out to Lanark to buy a present for her birthday but she

1 was actually going to take us home.

2 "When we came out, it was a soaking wet day but
3 I skipped up the road. It was the happiest day of my
4 life. The buses came from Waterloo Street in Glasgow to
5 Lanark. We got on the bus at the terminus. We sat in
6 the front seat at the top. We stayed down in case there
7 were nuns passing. The bus started moving. I have come
8 out of prisons, psychiatric hospitals and the like but
9 this was the happiest day of my life. I knew the bends
10 in the road. The rain was hammering on the windows and
11 we could barely see out.

12 "When we got into Glasgow, we stopped at a bus stop
13 in Waterloo Street. It was a Saturday night and
14 Halloween. It could have been about 4.30 or 5.30 pm.
15 I could hear the hustle and bustle, the laughing and
16 drunk people. It was like hitting Las Vegas.

17 "We took another bus to Yorkhill Street and we
18 stayed there overnight. Mum didn't have anywhere to
19 take us as she lived in a single end which had one room
20 with two bed recesses. The next day she took us to
21 dad's house, which was in Grove Street. This was
22 a house and an empty shop. Dad wasn't there. She left
23 us outside. It was dry and cold and we were there for
24 a couple of hours. We were crying and shivering. I got
25 a brick and smashed one of the panes of glass in the

1 sash window, undid the snib, and pulled up the window so
2 we could get into the warm. Some hours later our father
3 arrived. He was not happy and was very surprised to see
4 us there.

5 "Mum came next morning when dad was away at work.
6 We went out all the time to the park, the art gallery,
7 swimming pools or to friends'. We were worried the
8 Cruelty Board and police would be looking for us to take
9 us back. We did this for weeks or months. Mum went to
10 Social Services and told us we were not going back to
11 Smyllum. We could now go to school.

12 "If you had tried to run away from Smyllum and were
13 caught, you would be belted. This happened to boys on
14 many occasions. I remember a boy ran away and was
15 caught. He was made an example of in the drill hall.
16 He was made to kneel down with his hands held out and
17 crossed. The heavy end of a long pointer was used to
18 hit his hands. The pointer broke on his wrists and he
19 was in agony. We were sent outside and I think she
20 realised that she had done a lot of damage.

21 After Smyllum I went to St Joseph's primary in North
22 Woodside Road, Cowcaddens, Glasgow. There was
23 a playground on the roof with big high wires around it.
24 I was the new boy. The boys asked me what school I had
25 been to and I told them what Smyllum was like. They

1 said I was a liar and I got into a punch-up. The
2 teacher caught us fighting and the boy told her what
3 I had said. I was belted for it as I was blaspheming
4 nuns. I was taken to the headmaster. Unknown to us the
5 parish priest was told. He came round to our house. He
6 was a fanatic Celtic supporter. He was shouting at us.
7 My father chucked him out of the house.

8 "My father hated the Catholic Church. His father
9 had also been an alcoholic and had been in and out of
10 jail.

11 "I wasn't long in that school. I had passed my
12 qualification and went to St Mungo's, Maryhill, which
13 was a senior school. I never spoke about Smyllum again.

14 "After I came out of Smyllum my mother asked us what
15 we would like for Christmas. I asked her for a watch.
16 On Christmas Eve, my mother came to the door with our
17 presents. My father took them off her and threw them on
18 the floor. He went out into the close, shutting the
19 door behind him. We heard the screams as he beat up my
20 mother in the close. The next morning we saw clumps of
21 mum's hair and blood on the wall. It ruined Christmas.
22 I never wore that watch.

23 "I saw my mother get many more beatings from my
24 father over the next years. He was a drunken bully.
25 When I was 16, we lived at Avonspark Street, Balornock.

1 My father beat up my mother again. He always tore her
2 clothes off and drew blood. That was the last straw.
3 I told my mother this was the last time he would hit
4 her.

5 "My father had a mug of tea which always had to be
6 full when he was in. The tea could sit for hours and he
7 would wake up and drink it even though it was stone
8 cold.

9 "My father was taking capsules prescribed by his
10 doctor. I opened up a lot of them and put the powder
11 into his tea. I wanted him dead for what he had done to
12 my mother over the years. My father went to bed and
13 fell asleep.

14 "We sat up all night waiting. My mother was worried
15 what would happen to me. I told her not to worry and
16 that I really didn't tear. The morning came and my
17 father work up. He stretched his arms and said, 'By
18 God, that's the best sleep I have had in years'. We
19 were stuck with him again to bully us in the years to
20 come.

21 "I think this memory maybe an important part of my
22 testimony to the Inquiry because after my time in
23 Smyllum, I grew to detest bullies. This was the result
24 of the way **BAE** bullied us every day in that hellhole.
25 If I saw someone bullying weak guys in pubs or in the

1 streets I would intervene. Even if I saw the police
2 being heavy-handed I would step in as I had had a lot of
3 experiences with them over the years.

4 "If I had been arrested I would be lying on the
5 concrete bed in the cells would burst open and three to
6 four coppers would rush in to set about me because I had
7 caused them trouble when they lifted me earlier that
8 night.

9 "Most of the time I suppose I deserved it as I never
10 went quietly when I was arrested. All my trouble was
11 caused through alcohol."

12 I'm now moving on to paragraph 117:

13 "I was in and out of trouble all the time. After
14 Smyllum, I turned against all authority. I also had
15 a hatred for the police as I used to see them beat up my
16 father in the back of a Black Maria.

17 My first marriage ended in divorce. It was
18 a marriage of convenience in a way. We got engaged and
19 got to borrow a house for six months. We wanted away
20 from our families. My wife came in with a bag of
21 washing from the laundrette and put it in one of the
22 kitchen chairs, which had vinyl seats. The woman whose
23 house it was came in and saw the damp washing on the
24 chair. We were thrown out after two weeks.

25 "We had two children: a girl and then a boy. The

1 marriage lasted for about 12 years. A lot of it was my
2 fault with my binge drinking and I didn't feel her
3 equal. I had no self-esteem.

4 "My second marriage lasted for 7 months. It was
5 a mistake from start to finish. I was drunk.

6 "My wife is my third wife. We will be married
7 19 years on 31 October this year. This date is
8 a special one as it is our anniversary, as it is the
9 date we escaped from Smyllum.

10 "All my trouble was drink related. I have never
11 been in trouble when I was sober. I ended up in
12 a psychiatric hospital to dry out. Recently in the last
13 two or three months I have had counselling. I saw
14 a specialist at Hairmyres who knows me well and who put
15 me in touch with someone in the NHS for counselling.

16 "The counsellor is a young guy and I like his style.
17 I have trust in him. I have had four visits and I do
18 the talking. He will show me ways of dealing with
19 things in my head. I never wanted counselling before
20 but I have got to shift this somewhere. It's still all
21 there. Not all of us are willing to talk."

22 In the next few paragraphs of Frank Docherty's
23 statement he goes on to speak about INCAS, most of which
24 has previously been read out to the Inquiry.

25 LADY SMITH: It was read at the hearing earlier this year.

1 MS MACLEOD: So I will now move on to paragraph 141:

2 "Jim Kane found the graveyard for the orphans at
3 Smyllum by accident. He was at the graveyard and
4 a woman who was there told him that the children were
5 buried on one side and the priest and nuns were buried
6 in another area. Jimmy phoned me up and we met there.
7 I am not aware of any child dying while I was there. We
8 have tried to get records of the children who had died,
9 but these are patchy.

10 "I have some of my own records. One is a social
11 work record and there is one from the Sisters of Charity
12 of St Vincent de Paul.

13 "I was given a number at Smyllum. BAE called
14 people by their number or 'you boy' or 'you boyo'.
15 I always remember when you went to the clothing store,
16 there were numbers stamped on your shoes. There was
17 a cobbler there. I always thought my number was 105 as
18 that was the number on my shoes. The record I have from
19 the Sisters of Charity of St Vincent de Paul shows
20 a record number of 921. They now say they don't have
21 records or have stopped giving people copies of them.

22 "We know that there is a police investigation into
23 the death of Sammy Carr who was six years old. He was
24 at Smyllum. In 1964 he was killed by a nun. That was
25 done by another nun like Sister BAE

1 "A man who was in Smyllum found out about INCAS and
2 phoned me. He saw a nun hitting Sammy Carr when he was
3 on the ground. He tried to stop her. It stopped and
4 the boy was put to bed and two days later he died. That
5 was covered up. I heard Sammy had a lovely funeral.

6 "The police are also investigating the death of
7 Francis McCall who died of a brain hemorrhage after
8 being hit on the head with a golf club by Sammy Carr
9 [sic]. There is no record of his burial. We tried for
10 years to find it. There was no requiem Mass. I was
11 told burials were done at night. The police spoke to me
12 last year for four hours about my time in Smyllum.
13 Others from Glasgow were also interviewed. We have not
14 heard anything since.

15 If I can just go back to repeat a previous paragraph
16 I think I said the wrong word behind the cypher.

17 LADY SMITH: Yes.

18 MS MACLEOD: "The police are also investigating the death of
19 Francis McCall who died of a brain hemorrhage after
20 being hit on the head with a golf club by
21 Charlie Forsyth. There is no record of his burial and
22 I tried for three years to find it. There was no
23 requiem Mass. I have been told burials were done at
24 night.

25 "The police spoke to me last year for four hours

1 about my time in Smyllum. Others from Glasgow were
2 interviewed as well. We have not heard anything since.
3 I think the policewoman was Lindsey Young from
4 Cumbernauld. I was asked about the progress of the
5 investigation last week.

6 "We heard different rumours about [BAE]. I heard
7 a rumour that Sister [BAE] had flipped and was
8 carted out. When I saw the graveyard, I wanted to find
9 her grave to see if she was dead. She isn't there. She
10 could have been taken elsewhere."

11 The final paragraph, my Lady, of Frank Docherty's
12 statement was read out previously, but I feel it would
13 be appropriate to conclude with it here also.

14 LADY SMITH: I agree.

15 MS MACLEOD: "What I want out of this Inquiry is justice for
16 what happened to children who suffered abuse. We feel
17 that we have been treated with contempt. The way we
18 were treated took away our self-esteem and was
19 emotionally damaging. Throughout my life I have had to
20 put up a front so people have not seen the real me.
21 Regularly something happens, whether on television or in
22 some other way, that brings back to me the abuse that
23 I suffered. The emotional damage to me has meant that
24 it has been difficult for me to show emotional care to
25 my family. I have done my best to provide material

1 support but things like emotional care, like giving
2 cuddles, have been difficult for me.

3 "What you have to realise is that the abuse of
4 a child is like throwing a pebble into a pool. The
5 effect ripples through the whole family. I know that
6 every victim searches for peace of mind. I would never
7 want any child to suffer as I did. My childhood was
8 taken away from me.

9 "I have no objection to my witness statement being
10 published as part of the evidence to the Inquiry.
11 I believe the facts stated in this witness statement are
12 true."

13 The witness statement was signed by Frank Docherty
14 on 2 June 2016.

15 LADY SMITH: Thank you. We are now turning to Mr Kane's
16 statement.

17 MS MACLEOD: We are.

18 LADY SMITH: Thank you.

19 Witness statement of JIM KANE (read)

20 MS MACLEOD: "My name is James Daniel Kane. I am known as
21 Jim. I was born in 1942. I am nearly 74 years old.

22 "I am married and we have been married for 50 years
23 last year.

24 "My mother was born in 1920. I have seen a fair bit
25 of life. I have been around. I have been in the forces

1 and travelled a fair bit of the world through that.
2 Life takes strange routes. My father was killed during
3 World War II on 24 December 1943. I was two and a half
4 when he died so I never knew him. There are seven of us
5 altogether. I'm still in touch with my brothers and
6 sisters. I don't see much of my oldest brother and we
7 are now on great terms, just brilliant.

8 "At the time my father was killed we lived in
9 a tenement flat in Motherwell. I started school when
10 I was five and we went to the primary school just across
11 the road and next to Motherwell Cathedral. On
12 3 October 20194, we moved to a big house in North
13 Motherwell. The following March my twin brother was
14 killed in a house fire.

15 "My mother lived in that house all of her life. She
16 died 12 years ago. She was a good age when she decide.
17 She tried her best to look after us. I remember when we
18 moved to the new house. I remember my grandmother
19 saying to my mother, 'You will never furnish this big
20 house', and she never did all these years we were there.

21 "I never really knew any of my father's family even
22 though they only lived 12 miles away in Cleland. I knew
23 absolutely nothing about them, and there's a lot of
24 them. He had 11 of a family. I have been to Cleland
25 quite a few times and I have now met one of my cousins.

1 He was the oldest grandson on that side of the family.
2 That was the first time I had spoken to any of that
3 family in 60 years. I don't know if that's because my
4 father was killed and we lost contact. My mother never
5 talked about it.

6 "I don't remember any of that family ever coming to
7 visit my brother. I did know my mother's family. My
8 grandmother was from Carfin. My mother had four
9 brothers and a sister. They used to come and visit my
10 mother. In fact, when we moved to the big house in
11 North Motherwell, my mother would sometimes rent out
12 rooms to them when they all got married and had kids of
13 their own. She would give them a bedroom and charge
14 them maybe 10 bob a week or something like that.

15 "It was a big house but was rented from the borough.
16 We literally lived in poverty. I can assure you of
17 that. My mother never really worked. She tried to.
18 She tried to work in a canteen but it wasn't easy for
19 her with the kids to look after.

20 "We had no man in the house. My brother was the
21 oldest and was sort of the boss. In a way, I don't
22 blame him. His pals all had dads working and would get
23 pocket money but our mother didn't have anything to give
24 him.

25 "I was a bugger, I was up to everything. I'm not

1 talking about badness but devilment. If there was
2 anything stupid going on, I was the ring leader.
3 However, respect meant a lot in those days. Our
4 neighbours would be 'Mr and Mrs'. It's is not like it
5 is nowadays when young people tell you where to go and
6 give you a mouthful of foul language.

7 "In 1953 or 1954 my mother took TB. She didn't know
8 what to do with us, but she let the house out. She had
9 to go into hospital for a year. That was how we came to
10 be in Smyllum. Rather than split the four of us up --
11 one with one aunty, one with another -- she decided to
12 keep us all together. My mother was in a predicament
13 what to do next when she became ill because there was no
14 man in the house. Who was going to look after us? She
15 got advice from a social worker in Motherwell about what
16 to do, what would be best for us. I don't blame her,
17 not one bit. She had TB, it was rife in those days.
18 She decided to put us into Smyllum.

19 "We went to Smyllum in March 1954. I was 11 years
20 old. I remember that my mother took us to Smyllum.
21 I remember the big flashy car. Cars were very rare in
22 those days. It seemed like a long journey but it was
23 only 13 miles. I can mind going into Smyllum up the
24 front stairs and seeing the nuns and asking, 'What are
25 they wearing?' They wore these big hats called

1 cornettes -- but I didn't know that at the time -- white
2 hats with wings at the sides, and their holy habit. We
3 were taken into a big room, where they were checking
4 your hair, maybe looking for bugs or something. I can't
5 remember whether my mother had left by then. I don't
6 remember her telling us how long we would have to stay
7 in Smyllum. We didn't know how long we would be there.

8 "I think there were about 150 boys altogether of
9 around the same age group. Boys aged 8-14 were there
10 and what they called 'the big boys'.

11 "Being taken in with the big boys, I was introduced
12 to this nun, Sister [REDACTED] BAE [REDACTED]. Oh, my goodness,
13 gracious me. What a person that was. She was evil.
14 She was called [REDACTED] BAE [REDACTED]. I can still remember her [REDACTED]
15 [REDACTED] She was like a wraith. She
16 was evil.

17 "[REDACTED] BAE [REDACTED] would try to teach you the holy Mass, to be
18 altar boys. In the drill hall where the boys were, she
19 would have us sit in a big circle and she would go round
20 and about with a Bible in her hand reciting Latin. She
21 carried a wee hair brush with her. She would be
22 reciting Latin to you and would ask you to repeat it.
23 If you didn't get it right, your lugs got it with the
24 hair brush. That happened to all the boys.

25 "Another thing she would do was, when they were

1 allowed into the square to play, she would step out into
2 the square and stand there. She would put her finger up
3 and all you heard was 'shhh' and you froze. You
4 literally froze where you were. If you had your back to
5 her and turned round, she would slap you. You just
6 froze and she would tell you when to turn round.

7 "Everybody got issued with a number. My number was
8 73. All your clothes would be numbered, your shoes were
9 numbered, and your handkerchiefs would be numbered. We
10 got two handkerchiefs: a square hanky and your number
11 was written in the corner, and every week one hanky
12 would be taken away for laundry, the next week she would
13 change it. BAE would stay there with the hankies,
14 a bag for clean ones and a bag for dirty ones. She
15 would pick a hanky out and call your number. If you
16 brought your hanky to her and it was dirty and you had
17 had it in your pocket for a week, cleaned your nose with
18 it and that, she would wallop you, totally wallop you
19 with her hand or whatever else she got.

20 "One of her favourite punishments was drill. If
21 someone did something trivial and didn't own up and you
22 were afraid to own up because you knew what kind of
23 beating you would get, she would beat the living
24 daylights out of you. I saw beatings like that and
25 I got it.

1 "She would line the boys up in the drill hall which
2 was the main hall where the boys were. She would walk
3 up and down. She carried a long stick, like a long bit
4 of a budgie's cage and she had this clicker -- 'the
5 frog' we called it. See when she clicked that, your
6 hands went up like that to your shoulders, then she
7 would click again, up down, up down, she would have this
8 long rung and she would come down behind you. If your
9 fingers weren't straight across, your fingers got it
10 with the rung. This happened to me, to us all, every
11 one of us. She done it regular.

12 "It was nothing unusual to see some poor guy face
13 down on a table with his trousers and shorts down and
14 his bare backside. She had a big lump of wood right
15 across your bare backside and she had a big strap as
16 well. Four boys were asked to hold you down like
17 a cross. They knew if they didn't do it they would have
18 got the same.

19 "This happened to me. I can't remember if it
20 happened more than once. The brutality of this person.
21 Typical example. We used to have this locker where you
22 put your brushes for your shoes. There was a wee lock
23 on it. Somebody stuck a bit of paper in it one time and
24 she tried to find out who it was and nobody would
25 volunteer. So to get the culprit she punished everybody

1 and this was part of her punishment. The time it
2 happened to me I was left with marks. She would leave
3 marks on the boy's back and bottom.

4 You didn't touch **BAE**; that was taboo. You didn't
5 touch her whatsoever. She wore a long blue habit, a big
6 set of rosary beads and a white apron and this big
7 cornette hat. I can remember going to her and asking to
8 go to the toilet and her response was horrendous.

9 A slap about the head and face, 'You will stand there,
10 you will stand there'. There were 150 boys and she made
11 them all line up and sent them all to the toilet about
12 seven or eight at a time. She made me stand there until
13 the other boys had been to the toilet and I was left
14 there. I wet myself. By the time she finished with all
15 the rest of the guys going I dirtied myself. She beat
16 me again. She hit me again about the head and face,
17 anywhere, and you were just standing there. She would
18 wallop you something crazy. You would be crying but she
19 had no sympathy for anybody. You couldn't ask her to
20 stop. She stopped when she felt like it. That was my
21 worst experience at Smyllum.

22 "Every now and again she would stop the boys and she
23 would go in and inspect the toilets and if there were
24 skid marks she would demand to know who was responsible,
25 "Who was the dirty boy that done that?" Somebody would

1 shop him and she beat the daylights out of him. She had
2 no compassion for the boys.

3 BAE would walk through the dining hall when you
4 were sitting at your meals. If you lifted an apple or
5 a slice of bread and you left teethmarks in it, she
6 would stand you up in front of everybody and would hold
7 this bit of food up and would hit you another slap. You
8 weren't supposed to leave your teethmarks on it. It was
9 nothing unusual. She would stand in front of you, stand
10 on your feet and catch you by the cheeks on your face
11 with her two hands and pull your face up. That was
12 painful. That happened to me. She did that because you
13 weren't supposed to eat your food like that. You were
14 supposed to nibble.

15 There were always four of us to a table and one boy
16 at the table, the oldest boy, would be put in charge of
17 that table. The food we got would be porridge, lamb
18 stew, different things. BAE would watch you eating
19 she would come up and down and say, 'What's wrong with
20 that food boy? Don't you like it? You will eat it'.

21 "She would sometimes stand over the top of you to
22 make sure you ate it whether you liked it or not. She
23 didn't force-feed us, she just made sure. Well, you
24 were really hungry. It is hard to remember all these
25 years ago but I don't think the food was really too bad.

1 The boys and girls ate separately.

2 "Another scenario with her was when you got showered
3 and bathed there would be three in a bath. You wore
4 woolen shorts and there weren't enough of those shorts
5 to give everybody a pair. You took them off the guy
6 next to you. What if the person before you had peed in
7 the bath? You are passing them on.

8 "You would go for showers as well. Where the shower
9 room was, there was a dressing room which was where your
10 cupboards were and your clothing. After we had showered
11 we would have to stand in front of BAE before you
12 went into the dressing room and stand there. You
13 weren't trembling because you were cold; you were
14 trembling from. You would sometimes have taken your
15 shorts off because another guy was needing them. So you
16 were naked. She was inspecting you to make sure you
17 were clean. She carried a big long twig, a branch. If
18 she thought your feet were dirty she would use this twig
19 across your back or your buttocks or your legs and that
20 left big long welts on you, it really did. It happened
21 to us all.

22 "She was literally evil. I have been around the
23 world and have seen a lot of evil people and have met
24 a lot of evil men through my forces days, but I have
25 never met another woman like in my life. God forbid.

1 May she rot in Hell for what she done. I have met
2 people that was in Smyllum who always say, do you mind
3 of **BAE**, can you mind of the frog. You don't forget.
4 I'm now nearly 74 years of age and it is as if it was
5 yesterday.

6 I didn't get as regular beatings as some of the boys
7 because I got transferred into the kitchen and I worked
8 with a sister called Sister Patricia. Sister Patricia
9 looked after all the boys' meals and she was a brilliant
10 big lady. She knew about the beatings, but she used to
11 say to me -- they didn't call you by your first name --
12 'Kane, come in here! Hide in there, the boys are
13 getting drill'. And you could hear them getting drill
14 because you could hear them crying, with the clicker and
15 the stick. My job was going to the big outhouse,
16 getting the potatoes, putting them through the big
17 runner machine, cleaning them, bring them back to the
18 kitchen, helping Sister Patricia with the meals.

19 "There were men who worked in the place, handymen,
20 and they were the same. They were too handy with their
21 knees and feet. In the kitchen, there was a wee larder.
22 Sister Patricia would maybe say "Kane, go through there
23 and bring me a bag of sugar" or "bring me a bag of tea".
24 If you went into the larder when the handymen were at
25 their meal, you went in backwards with your back to the

1 wall. You'd sneak by them, because they would treat you
2 as badly as the dirt on the floor and slap you and kick
3 you because you were disturbing them at their meals. Big
4 hobnailed boots, they'd give you a kick and lift the
5 skin off you.

6 "I don't think I had been at Smyllum for too long
7 before I was moved to the kitchen, and I didn't mind
8 working there. You were always working but I didn't
9 mind that because you were busy and you were out of her
10 road. I didn't have much to do with the other nuns
11 after I was transferred to the kitchen. I only really
12 knew BAE , Sister EAA and Sister Patricia.
13 I would think they are all dead now. I can't remember
14 the name of the Mother Superior.

15 When I worked in the kitchen, you got up before the
16 other boys because you had to go down and help
17 Sister Patricia with the breakfast. When you come out
18 of the kitchen there was a flight of stairs, about 30
19 stone stairs, and they were all worn in the middle.
20 I was going up there, with a double handled pot of tea,
21 a long pot. I got to the top and I slipped and went
22 feet first straight back down that stair. The tea came
23 out over the top of me. It was red hot. I had my
24 school uniform on and BAE got hold of me and made me
25 stand in the middle of that square. This was the middle

1 of winter. I was soaking and I had burst my face. It
2 was all blood. No sympathy given whatsoever. She would
3 be more concerned about the tea. I was standing there
4 by myself and she would come over and slap me, she would
5 ask "How are you doing now, son?" and the tears were
6 running down your face and the blood was running down,
7 and she would give you another slap. I could never
8 understand the cruelty.

9 "I had to stand there for maybe about an hour or
10 something like that, if my memory serves me correctly,
11 because I had to go and get changed and go back to
12 school. That made me late for school. Nobody was ever
13 late for school, you were lined up in the playground and
14 they would whistle and take you in by classroom and
15 I tried to explain that I was in trouble for that, but
16 school itself during the day was just like an ordinary
17 school.

18 "I was in St Anthony's dormitory. There would be
19 maybe 40 guys in the dormitory with beds end to end.
20 There was a sitting room where sometimes we went for a
21 cup of cocoa after our meal at night. We didn't get into
22 the sitting room every night. We had a Sister there,
23 named Sister EAA, she was really nice. She was a
24 really gentle person, but at the same time she could
25 inflict pain the same as anybody else.

1 "At night time you would go into bed, you wore
2 a long nightshirt. When you went to bed at night, you
3 lay back in your bed. It was they white linen sheets,
4 and you stretched out and you lie in your bed with your
5 arms crossed on top of the sheet. And the sister would
6 go up and down in the ward with the holy water and bless
7 you all in your bed. That was Sister EAA I think
8 they done it in all the dormitories, we were all treated
9 the same when it came to bedtime. In the morning, you
10 got up in the morning, she would inspect the bedroom.
11 Sometimes I wet the bed. A lot of guys wet the bed.
12 She would line the boys up along the dormitory. You
13 wore this nightshirt and you pulled the nightshirt up to
14 the back of your neck and you were naked from the back
15 of your neck to the soles of your feet and she would
16 whip you. Sister EAA would belt you for wetting
17 the bed with a leather belt just like a headmaster's
18 belt. She would flay you across the back two or three
19 times. She would say, "You are a dirty boy, you
20 shouldn't do these things. That's not nice." But you
21 couldn't help it. I don't think the dormitories were
22 really heated right. I really can't remember what she
23 done with the wet bed clothes.

24 "BAE was the worst of the lot. Some of the nuns
25 were afraid of her. If you looked at her the wrong way,

1 you would get thumped. I don't remember her in the
2 dormitory. There were 5 dormitories so she might have
3 been in another dormitory. She would frighten the life
4 out of you, the way she would snarl at you. [REDACTED]
5 [REDACTED]. I watched a film the other night,
6 "Philomena" and near the end of the film you see Judy
7 Dench going into this place and there is a Sister
8 sitting there in her wheelchair with [REDACTED]. She put
9 me in mind of BAE It brought it all back. I could
10 never understand why people could be so cruel to
11 children. We weren't all orphans in Smyllum. I wasn't
12 an orphan, because my mother was still living but a lot
13 of guys were orphans and they had families, maybe 4 or 5
14 of one family in the place. I was lucky, I was only in a
15 year.

16 "Beatings of me and other people were very regular
17 occurrences. Every day.

18 "There was a holiday from Smyllum to Aberfoyle.
19 Bed-wetters were not allowed to go. I was allowed to go
20 and had 2 weeks in Aberfoyle in the summer time.
21 I remember they gave you a shilling every two days you
22 could spend in the tuck shop. They used to take us out
23 a walk. BAE went. BAE used to run the football
24 team for Smyllum and she was a bad loser. If the boys
25 got beat, oh boy, their life wasn't worth living.

1 Everything had to be spot on. I never played football.
2 I wasn't a football fanatic.

3 "When you got to a certain age you were taken away
4 from Smyllum and you were sent to St Ninian's at
5 Falkland in Fife. This was a school run by the De la
6 Salle Brothers.

7 "I can mind my mother coming to see us. She managed
8 to get a day out of the hospital, she was in Wishaw
9 Sanatorium. I said to her what was happening and my
10 mother hit me. She said "Holy people don't do that,
11 Jim". I said "They do, mother", and she hit me again. I
12 said "Mother, you'll never hit me again".

13 "There was a school in Smyllum. The school was
14 below my dormitory. There were five classes which were
15 mixed classes, all ages. The school was open plan.
16 A nun always stood at the far end.

17 "There was a playground outside the school. There
18 was a white line painted down the middle of it, and boys
19 and girls had to stay on their own side. If you were
20 seen talking to the girls, you would take what you got.
21 You weren't allowed to speak to the girls, it was taboo.
22 One of the teachers in there, I think her name was
23 Ms AEP, she came from outside. She didn't use
24 the belt but she used a pointer for the blackboard. She
25 would turn the pointer round and hold it by the narrow

1 end, it was tapered. You stood there to get six of the
2 best with your arm bent at the elbow and your hand palm
3 up. If she didn't strike you on your palm, she would
4 get your arm: in saying that, she didn't use it very
5 often but would use it if someone spoke out of line in
6 the classroom.

7 "I can't remember ever getting it from her. I would
8 see other people getting it. The nuns, Sister **EAA**
9 and **BAE** had their own way of punishing. There was
10 only one nun who taught at the school and that was
11 Sister **EAA** **BAE** didn't. Sister **EAA** would
12 take the boys out for a walk every Sunday she'd bring
13 you out of Smyllum, you'd walk down by the railway,
14 right into Lanark, across the golf course and around
15 about Lanark Loch, back in through Bannantyne Street and
16 up the back road into Smyllum. That would be about
17 3 miles of a walk. That would be all the big boys every
18 Sunday and you could hear comments in the street.
19 People would see us and you would hear them say "Don't
20 go near them - they're bad boys, they're orphans.". And
21 that stigma sticks with you. That certainly wasn't true
22 - because you're an orphan that doesn't make you a bad
23 person.

24 "I reckon when I was there there were about 900 kids
25 in Smyllum. There was a metal fence out front which is

1 still there to this day. If visitors came to see you,
2 they would take you into the field at the front and have
3 a wee picnic. The one visit I had from my mother is all
4 I can mind of. I can't remember how long I had been
5 there.

6 "I hardly saw a priest in my time at Smyllum.
7 Although there was a regular mass in the chapel.
8 I didn't say anything to the priest. I didn't tell
9 anybody. We also had mass at St Mary's chapel and I was
10 an altar boy once. I deliberately made a mistake because
11 I didn't want to do it. Religion was rammed down your
12 throat. I'm not a religious person, I never have been.
13 There's nothing wrong with religion I just --
14 I deliberately made a mistake so that I wouldn't do it
15 again.

16 "BAE would make sure that you knew this Bible of
17 hers back to front, and the Latin, and you done prayers
18 in the morning when you got up, you went for breakfast,
19 you said prayers before or after meals. You went to
20 school you had prayers right in the morning, before you
21 broke off for lunch, you had prayers before lunch and
22 after. The same repeated at evening meals when you got
23 your dinner and the same repeated when you went for your
24 cocoa at night. And the same again happened before you
25 went to bed. You went down beside your bed and prayed.

1 We would get up I think about 7.30 am and done prayers
2 at the side of our bed.

3 "School -- and school was really all right, was
4 about 9 am till lunchtime maybe about 12 and then again
5 from about 1 pm until about 4 pm, something like that.
6 Tea time would be 5 pm, 5.30 pm or something like that
7 and bedtime was about 7.30 pm.

8 "At Christmas we would get a wee parcel sent to you.
9 There would be a person's name on it that you didn't
10 know who they were but you would class them as your
11 uncle or your aunty. We would write them a wee thank
12 you letter. Nearly everyone got a gift at Christmas the
13 year we were there, anonymous gifts that were handed in.

14 "I don't remember anyone ever inspecting Smyllum or
15 ever seeing a doctor while I was there.

16 "We left Smyllum in March 1955. My mother came up
17 and got us. She had to fight the authorities to get us
18 back home as they thought we had been signed over to the
19 Holy Order. Because she was a war widow they thought
20 she couldn't look after us. She done her best. I was
21 happy to leave because I wanted home, to see my mother.

22 "She recovered from TB although I can mind she used
23 to take these big round tablets. I actually think she
24 signed herself out of the hospital. I didn't try to
25 tell my mother again about what had happened. I always

1 cried. I am a very emotional person.

2 "When we came out of Smyllum we went back to our old
3 primary school opposite the flat where we used to live.
4 It was about 2 miles from the new house in North
5 Motherwell but we had to walk there and back right
6 through the town of Motherwell cause my mother didn't
7 have the money to give us bus fares. I moved from there
8 to the junior secondary school which was practically
9 next door to the old tenement flat. It was a Catholic
10 school. I was brought up Catholic. I don't practice
11 religion now because my wife is a different religion.

12 "I left school at 15 and got a job in a butcher's
13 shop making deliveries on a message bike. When it came
14 to Saturday the butcher would give everyone their wages
15 but I got none. The butcher said, "I have got no pay
16 for you this week son," I said, "why is that?" And he
17 said "Because your mother has been in and got butcher's
18 meat in exchange for your wages." What else could she
19 do? She had to do that but I think I had a disagreement
20 with the butcher or something. I didn't like this idea
21 of not getting my pay. I lost that job when I was 15.
22 After that I drifted about a bit from job to job. Every
23 penny I got went to my mother because I knew she needed
24 it."

25 My Lady, it is almost 4 o'clock now.

1 LADY SMITH: We are going to have another short break at
2 this point, I will rise for about five minutes and then
3 we will finish this statement.

4 (4.00 pm)

5 (A short break)

6 (4.05 pm)

7 LADY SMITH: Ms MacLeod.

8 MS MACLEOD: My Lady. I will continue with the statement of
9 Jim Kane. I will move on to paragraph 57 of the
10 statement, which is on page WIT.001.001.0574.

11 "I did my basic training at Lanark. We used to march
12 by St Mary's cemetery every day, and for some reason I
13 was drawn into it. I found a big mound of earth, and a
14 stone cross - "Sweet Jesus, have mercy on the deceased
15 children of Smyllum". I found out, much later - in March
16 2004, long after I left the army - that 158 children who
17 had died in Smyllum were buried there, in unmarked
18 graves. I quizzed the priest in St Mary's church about
19 it, and I quizzed other priests about it, and I got in
20 touch with the Sisters of Charity in London. I also got
21 in touch with Frank Docherty. The next day, he was up
22 like a shot from East Kilbride. From then on, we were
23 like "that". We fought hard. We wanted to get a list of
24 every child buried in the plot, asked for it from St
25 Mary's and eventually got it from the Sisters of Charity

1 in London.

2 "Our plan was to get a monument built on behalf of
3 the children. When we got the typed list I wondered how
4 we were going to find out where these children are and
5 what ages they were. They didn't give us any ages, so I
6 went to South Lanarkshire Council's registry office and
7 I spoke to a girl there and I told her what I wanted.
8 The plan was that we build a monument on behalf of these
9 children and our proposal to start with was to put the
10 names on it, but then we met up with a guy from Falkirk,
11 he was a Smyllum boy and rather than put names on it,
12 because with all due respect someone's name might have
13 been left off - if you notice the dates, they go back to
14 1864-and so he done a prayer.

15 "Their life so short, no world to roam,
16 Taken so young, they never went home,
17 So spare a thought for them as you pass this way
18 A prayer, if you remember, day by day
19 Yes, lives so short, bereft of love
20 But found in the arms of the Lord God above."

21 "We had to ask the former parish priest of St
22 Mary's, Father Joe Brannigan (he's gone now, he's dead),
23 about the monument. I would make appointments with him,
24 to go and see him. He was totally against us. He
25 wouldn't turn up. No excuse given. I would sometimes sit

1 there waiting for two hours. We asked him to do a
2 service for us on behalf of the kids of Smyllum, and he
3 agreed providing that INCAS members all attend his
4 regular holy service in St Mary's Catholic church. I
5 said "Fine, that's not a problem." Only 7 of us turned
6 up. The congregation holds about 1,000 up there. During
7 that, Father Brannigan announced that there would be a
8 service of remembrance in the cemetery and not one of
9 the congregation turned up to it. Father Brannigan
10 turned up. He came out, he spoke to us at the monument
11 and he done a blessing. Me and Frank were talking after
12 the service - it lasted about 20 minutes, something like
13 that - but then we turned around and he was off. He was
14 walking away from us. I'd asked him previous to that
15 whether we'd need to pay him or if he needed a donation
16 and he said we didn't have to do that. The following
17 year, I approached him again but he said "Mr Kane, I'm
18 not doing it." I asked why he wasn't doing it, and he
19 said it was because we didn't all turn up to his service
20 at St Mary's Catholic church. I asked whether he was
21 trying to tell me that he could stand in that pulpit and
22 scan that full chapel, the congregation, and tell who's
23 all in there. I told him there was 7 of us there. I told
24 him I'd be telling my friend Frank Docherty, and that he
25 was totally out of order, and since then we've just done

1 it ourselves. We have a service every year, round about
2 10th August.

3 "Father Brannigan got a £2 million lottery grant to
4 do up St Mary's. Before it was renovated, there was a
5 big, massive crucifix. On the base of that crucifix was
6 An inscription, "In memory of the boys of Smyllum who
7 died between 1914-18 and 1939-45." I've been trying to
8 find out for about 10 years now who they are. Nobody
9 will tell us. Not a soul will tell us. There was a man
10 going to help me, but the guy died. I approached Father
11 Brannigan about it. He told me to forget it, to let it
12 go. He told me he'd met a lot of good men in Rome and
13 that he'd forgotten all about. I said, "You're the most
14 unhelpful priest we've ever met." I told him I wouldn't
15 forget it. He wouldn't help us at all.

16 "The monument cost £6,000. We asked the
17 Sisters of Charity to pay for it, but one of the Sisters
18 claimed that they could not afford it. Frank told her
19 how much money they had in a Jersey bank and her reply
20 to that was "That's for compensation". But they paid the
21 £6,000. At the same time, and having claimed that they
22 couldn't afford to pay for the monument, the Order
23 replaced about 20 or 30 old stone headstones for former
24 Sisters with new black granite headstones.

25 " BAC is also buried in the cemetery. He

1 has a headstone on the same ground as the children. He
2 was a brute of a man. He is buried in the cemetery and
3 so is his sister. They grew up in Smyllum and stayed
4 there. [REDACTED] BAC [REDACTED] stayed on there as a [REDACTED]
5 He was the sort to give you a slap, and would call you
6 some of the filthiest names. He made you feel worse
7 than dirt on the floor.

8 "I didn't try to tell my mother again after we came
9 home."

10 I am now moving on to paragraph 65 of the statement
11 on page WIT.001.001.0577.

12 "I have never gone to the police, or thought about
13 it. The nuns are more than likely dead. When I first
14 started to try to get my records, the registry office in
15 Lanark used to be on Hope Street. I met a guy, I was
16 telling him why I was there, and he said, "Mr Kane, you
17 can't prosecute a dead person.". He wrote back to me and
18 said he couldn't find any record I've ever been at
19 Smyllum. I said, "I cannae make that up. That's part of
20 my life. That's what happened to me."

21 "I have recently seen the film "Spotlight". We
22 found out a while ago too that, when they committed
23 these crimes against children, priests, nuns and that
24 were transferred to different dioceses and their names
25 were changed, I'm very suspicious of that, of them

1 hiding them."

2 In the next few paragraphs Jim Kane speaks about his
3 time in the army, leaving the army, meeting his wife and
4 leading up to his marriage. I move on to paragraph 74
5 of his statement which is at WIT.001.001.0579.

6 "I moved to where my wife was from when we got
7 married. We have been married for 50 years last year
8 and we have lived there all of our married lives. We
9 have a great marriage. I never use bad language around
10 my wife, and my two girls have never heard me and my
11 wife arguing. I've told my wife all about my experiences
12 in Smyllum, and I've told my children, my granddaughter.
13 I sit with my wife's brother on a Tuesday night and we
14 talk about everything. My family is fantastic.

15 "I have been a member of INCAS for about 20 years.
16 I found out about it when I saw an article in "The Big
17 Issue" about Frank Docherty's life and an advert. The
18 advert gave two telephone numbers, one for someone else
19 and one for Frank. I spoke to Frank and we met up in
20 a cafe in Hamilton, we walked by each other two or three
21 times and after all those years you don't know what to
22 expect. We must have sat in the cafe for about two
23 hours and I remember this woman saying to us "by God,
24 you two can talk". I said "Look, Mrs, we haven't seen
25 each other for 30 odd years". I vaguely remembered

1 Frank from Smyllum as we were in the same age group.
2 I remembered his nickname had been "Doc". He was
3 a tough nut. I hadn't seen him until about 20 years ago
4 when we eventually met again.

5 "We have a meeting of INCAS the last Monday of every
6 month in Oswald Street in Glasgow, Who Cares? Scotland.
7 Frank started INCAS of as Abuse Victims Anonymous (AVA),
8 but it folded. He set it up because he was fed up
9 hearing these stories with only the abusers getting a
10 mention. What about the victim, who has to carry that
11 with them all their life. He is the first man to start
12 these associations in Scotland. He started up with a wee
13 cheap typewriter one finger. He used to hold meetings in
14 East Kilbride and only one person would turn up,
15 sometimes no one would turn up. I have got a lot of
16 admiration for Frank Docherty."

17 "And Helen Holland. I don't know where Helen gets
18 all the energy from. She is a diamond.

19 "The INCAS members all know each other well. We
20 know how to talk to each other, what to say to each
21 other, when to say it. We're all survivors. Frank and I
22 speak on the phone every Sunday, and I get very good
23 support from Frank and Helen in particular.

24 "Membership of INCAS benefits me, without a doubt.
25 I was the minutes secretary for about 6 years. I wasn't

1 good at it but I done what I could. We don't always
2 agree with each other, but we don't fall out with each
3 other. I think there are around 70 members in Scotland
4 but Frank is in touch with people in the four corners of
5 the UK and in Canada.

6 "I have met a lot of guys in Glasgow through INCAS.
7 We had a gathering at Strathclyde University about
8 5 years ago and people came from all over. A lady even
9 came from Australia. I met a guy from Nazareth House in
10 Aberdeen who had 5 or 6 brothers. When he eventually
11 met them, he asked "Where were all yours when I was in
12 care?" Unknown to him every one of them had been in
13 care in different places. They had all asked the same
14 question.

15 "I have not let my experiences at Smyllum have an
16 impact on my life. I didn't let it get me down. The army
17 helped, without a doubt. The army done me a world of
18 good because I know myself that if I hadn't joined the
19 forces, I'd have been in jail.

20 "I never really let it get to me. I have met
21 hundreds of people through INCAS and some of them are
22 down and out. They're blaming the abuse. OK, the abuse
23 didnae help but surely to God you can pick yourself up.
24 I picked myself.

25 "I hadn't thought about Smyllum until I saw Frank's

1 advert. I do think about it now. I can be sitting with
2 the television on and couldn't tell you what was on as
3 my mind is elsewhere. Sometimes I just put the damn
4 thing off and I just sit back there and I shut my eyes
5 and the things that go through your mind. Everything
6 goes through your mind. Do I think about these things
7 that happened in Smyllum on a regular basis? I do now.
8 For years it didn't bother me, until I saw Frank's
9 advert.

10 "I don't make use of any support services. I have
11 never spoken to any social workers or anything. I don't
12 know whether there is sufficient support out there
13 because I have never asked for it.

14 "I have had some health issues. I take about 19
15 tablets a day. I have osteoporosis. I have a heart
16 problem. I have high blood pressure, and a bowel problem
17 which I am seen at Wishaw General hospital and Monklands
18 about.

19 "On Sunday 6th March 2016 I was taken to Wishaw
20 General Hospital with gout, but it turned out to be more
21 serious. It turned out to be kidney problems and blood
22 cancer for which I was in hospital for 17 days and I now
23 have very serious problems which will affect me for the
24 rest of my life. I am receiving chemotherapy.

25 "I have been trying to get my records. We were told

1 that Smyllum records were held in the Mitchell Library
2 in Glasgow, I can't remember where that came from. Me
3 and Frank went looking for records in there but couldn't
4 find anything. I spoke to a lady there but she told me
5 that the Mitchell Library didn't have my records and not
6 to ever come back. Her attitude put me right off."

7 I will now move to paragraph 90 which is on the same
8 page WIT.001.001.0583.

9 "I now know that my records were lying in Mill Hill
10 in London, held by the Daughters of Charity. I got
11 a letter from them confirming that several years ago,
12 but they never turned up. Last month, on a Tuesday,
13 I went to the Citizen's Advise and the young lady there
14 was very, very good. She wrote to the Daughters of
15 Charity. On the Thursday morning I got a phone call
16 from a Sister. I phoned her first to get my records and
17 they confirmed, they sent a letter, that they did have
18 the records. I got in touch with the Sister and she
19 kept saying that they were in a different department and
20 she was waiting on them coming in. That had be going on
21 since 2014. When she phoned me last month she said she
22 called me on 9 February but I never got that phone call.
23 I went back and told the lady at the Citizen's Advice
24 who had written a letter half demanding the records and
25 she told me they had told her the records would be sent

1 on. She sent the letter one day and I got the phone
2 call the next day, but they wouldn't have got the letter
3 till the day after that. When I first started trying to
4 get my records many, many years ago, they told me the
5 records had been destroyed by fire and water. I had
6 phoned the Sister on 8th February and got no reply.
7 Again, 22nd February, no reply. 5th January, no reply.
8 I can understand that the records wouldn't say that
9 I was being beaten by BAE

10 "I have also been in touch with the social work in
11 Motherwell because that was my home address before
12 I went into Smyllum and after Smyllum. There's a guy
13 there, he was marvellous, what he done, but
14 unfortunately he could only go so far.

15 "After trying to get my records for 25 years,
16 success, I have got them now.

17 "What really annoys me is about the Scottish
18 Government. We went to St Andrew's House, maybe 18
19 months/two years ago. There were 12 of us there, and
20 MSPs. They gave us one hour, and there was 12 of us
21 there. It's not even 5 minutes per person, by the time
22 some of the MSPs have their say. People came from
23 Peebles, Inverness, London, for the sake of an hour. The
24 same thing happened in Glasgow a couple of weeks ago
25 with Angela Constance. One hour. It takes some people

1 longer to get there than they get for the meeting.

2 "I would be happy to give evidence at a public
3 hearing. I don't wish to be anonymous.

4 "I have no objection to my witness statement being
5 published as part of the evidence to the Inquiry.

6 I believe the facts stated in this witness statement to
7 be true."

8 This statement was signed by Jim Kane on 15th
9 April 2016.

10 LADY SMITH: Thank you. Thank you Ms MacLeod. Now does
11 that complete the business for today?

12 MS MACLEOD: It does, my Lady. Tomorrow we will hear oral
13 evidence from three applicants and we will consider the
14 position in relation to readings if there's time for
15 that.

16 LADY SMITH: Thank you very much and we will be starting at
17 10 o'clock with the first witness?

18 MS MACLEOD: Yes, my Lady.

19 LADY SMITH: I'm going to adjourn now until tomorrow
20 morning, when we will start again at 10 o'clock with
21 further evidence.

22 (4.22 pm)

23 (The Inquiry adjourned until 10.00 am
24 on Wednesday, 29 November 2017)

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

INDEX

PAGE

Opening statement by MR SCOTT8

Opening statement by MR ROLFE18

Opening statement by MS VAN27

DER WESTHUIZEN

Opening statement by MR RICHARDSON31

WITNESS AAI -- "DAVID" (sworn)36

Questions from MR MacAULAY37

WITNESS AAU -- "FERGIE" (sworn)85

Questions from MR MacAULAY85

Witness statement of114

MR FRANK DOCHERTY (read)

Witness statement of JIM KANE (read)151

1
2
3
4
5
6
7

